

Evo Chamber

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THE
ANNALS OF IOWA,

PUBLISHED QUARTERLY BY THE

STATE HISTORICAL SOCIETY,

AT

IOWA CITY.

JULY, 1871.

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CONTENTS OF JULY NUMBER.

GOVERNOR CHAMBERS,	-	-	-	-	-	53
REMINISCENCES OF TWENTY YEARS AGO,	-	-	-	-	-	56
THE EARLY HISTORY OF IOWA,	-	-	-	-	-	56
LIFE OF REV. HENRY P. SCHOLTE,	-	-	-	-	-	58
HISTORY OF MARSHALL COUNTY,	-	-	-	-	-	58
A FOUL MURDER AND NOBODY KILLED,	-	-	-	-	-	58
RECOLLECTIONS OF THE EARLY SETTLEMENT OF NORTH-						
WESTERN IOWA,	-	-	-	-	-	58
LAW MINISTERS OF THE OLDEN TIME,	-	-	-	-	-	60
THE EARLY BAR OF LEE COUNTY,	-	-	-	-	-	61
CAMPAIGN AGAINST PRICE,	-	-	-	-	-	61
EDITORIAL NOTES,	-	-	-	-	-	61

ANNALS OF IOWA.

VOL. IX.

IOWA CITY, JULY, 1871.

No. 3.

GOVERNOR CHAMBERS.

JOHN CHAMBERS, the second governor of Iowa territory, was born on the 6th day of October, 1780, at Bromley Bridge, Somerset county, New Jersey. His father, Rowland Chambers, was born in Pennsylvania, of Irish parentage. According to a tradition in the family, their remote ancestors were Scotch, and belonged to the clan Cameron. Having refused to join in the rebellion of 1645, they migrated to Ireland, where, by an act of parliament, on their own petition, they took the names of Chambers. Rowland Chambers espoused with enthusiasm the cause of American independence, and was commissioned a colonel of New Jersey militia. From exposure he soon became disabled by rheumatism, but, on partially recovering, again devoted himself to the cause, freely appropriating the products of his farm to the use of the army, and expending his means without stint. At the close of the war, reduced in circumstances, he immigrated to Kentucky and settled in Washington, then the county seat of Mason county.

John Chambers, the youngest of seven children, was then fourteen years old. A few days after the family settled in their new home he found employment in a dry goods store, and the following spring was sent to Transylvania Seminary, at Lexington, Kentucky, where he remained for less than a year, and returned to his home. Two years later he entered

a new field of labor, destined, under providence, to exercise a controlling influence upon his after life. Francis Taylor, Esq., a practising lawyer of the Mason county bar, was elected, about this time, to the clerkship of the district court, and in the fall of 1797 Mr. Chambers became his deputy. The duties of the office at that time being light, and the law library of his employer at hand, he devoted himself to the study of law, a profession for which Mr. Taylor thought him peculiarly adapted.

In the spring of 1800, Mr. Taylor being anxious to remove to his farm, some miles distant, offered him the emoluments of the office for his services, which he accepted. In November, 1800, Mr. Chambers was licensed to practice law. His training in the clerk's office, his strict business habits, and his general acquaintance throughout the country, made him a promising aspirant for professional success, which he speedily achieved, continuing his studies with the same diligence that characterized his period of preparation for the bar.

In 1803, Mr. Chambers, who had now entered upon a career of uninterrupted professional prosperity, was married to Miss Margaret Taylor, of Hagerstown, Maryland, a sister of the gentleman in whose office he had studied law, and daughter of Major Ignatius Taylor, of the revolutionary army (Maryland line). She lived but about three years, and in 1807 he married Miss Hannah Taylor, a sister of his first wife. Not long afterward, his practice having proved remunerative, he embarked in the manufacture of bale rope and bagging for the southern market. In this he incurred heavy losses, recovering, however, by energy and prudence, without loss of credit.

When, in 1812, the United States deemed it essential to the national honor to declare war against Great Britain, there was great excitement in Kentucky, and men of capacity and character were demanded for the public service. Mr. Chambers was chosen to represent his county in the legislature, and would have been returned at the next session, but declined. The war had begun, and General William Henry Harrison, then governor of Indiana, was invited by the authorities of Kentucky to take command of her troops, then being

organized to defend Ohio from the forays of the British, aided by their savage allies. After the defeat of Winchester, Governor Shelby, who had volunteered to lead the Kentucky troops in person, offered Mr. Chambers a place on his staff, which he was compelled to decline, having previously promised General Harrison to accept a position on his staff, to which he had been recommended by officers of the regular army who knew him. Being summoned by the general to the front, he joined him about the 1st of September, at Camp Seneca, on Sandusky river, and was announced next morning, in general orders, as aid-de-camp to the commander-in-chief, with the rank of major. He remained with General Harrison until the close of the campaign, rendering efficient service in the battle of the Thames, for which he received a letter of thanks from the general, and honorable mention in his dispatches to the secretary of war — especially for gallant conduct in the pursuit of the British General Proctor, who, in the language of the dispatch, “only escaped by the fleetness of his horses,” one of which, a grey Canadian of great power, fell to the lot of Major Chambers, and died, many years after, on his Kentucky farm, in the peaceful service of his captor.

In 1815 Mr. Chambers was again elected to represent his county in the state legislature (lower house), his brother, James Chambers, being elected, at the same time, to the state senate from the same county. The pressure of professional engagements, and the care of a growing family, deterred him from again entering political life until 1828, when the selection of General Thomas Metcalfe as the whig candidate for governor of Kentucky caused a vacancy in the congressional representation of the district, and Mr. Chambers was nominated to fill the vacancy. He was elected, and served out the unexpired term of Governor Metcalfe, but refused to be a candidate for re-election.

From 1830 to 1832 he was again called by his fellow-citizens to serve them in the state legislature. The credit of the state was at a low ebb. Stay laws and relief laws had done

their worst. It was necessary, by proper legislation, to redeem the commonwealth from the reproach brought on her by these embarrassments. A bill was introduced by Mr. Chambers, the effect of which was to greatly increase the revenue tax of the state. He knew it to be absolutely essential to the honor and prosperity of the state. The question how this measure would affect his popularity at home did not belong to his political catechism. He went into office untrammelled, and was ready to meet his constituents, and stand or fall by his record. He advocated the measure, it passed, and was subsequently called, by his political opponents, "Chambers's Tax Bill." At the first county court after his return from the state capital he was violently assailed by those who had opposed his election, about his oppressive tax bill. Their clamor was unheeded until the business of the court was over. Coming out in the evening upon the public square, where, according to the custom of the country, hundreds of men were assembled, he inquired who his assailants were. Two persons in the crowd soon responded. He listened patiently to their harangues, and asked, "Who else complains of excessive taxation?" There being no reply, he said, in a tone which was distinctly heard by the whole crowd: "I am proud, fellow-citizens, of this silent approbation of my course. Only two of you have complained, and they, I presume, cannot be in earnest, since, to my certain knowledge, neither of them has paid so much as a poll tax on his worthless head for five years." The writer of this sketch was present, and heard the hearty cheers which welcomed the rebuke and endorsed the public servant who had acquitted himself with honor by doing what the exigencies of the commonwealth required. We have given this anecdote because it is eminently characteristic of the man. He esteemed the approbation of his own conscience a far higher reward than popular applause.

In 1832 Mr. Chambers was offered a seat on the bench of the supreme court of Kentucky, but declined it. Again, in 1835, he was nominated by the governor to the senate for the same office, and confirmed, but was obliged to resign before

he had taken his seat, in order to restore, by a more active life, his health, which had become seriously impaired.

In 1832 he had suffered the loss of his wife. She was a lady of cultivated mind and elegant manners, and had made his house a happy and attractive home.

In 1835 he was again elected to represent his district in the congress of the United States. He was re-elected in 1837, and served until the close of the 25th congress, in March, 1839. Of the part he took in congress, it is only necessary to say here that it made reputation for him in a district where the standard of intelligence was as high as in any other in the state. And it is a sufficient compliment to his ability and industry as a legislator to say that he succeeded the Hon. Elisha Whittlesey (so long and favorably known in that position) as chairman of the committee on claims, one of the most laborious and responsible positions in the national legislature.

General Simon Kenton, the celebrated pioneer and Indian fighter, having become infirm and poor, had, by the advice of his friends, applied to congress for a pension; but as his claim did not come under any general law, his repeated applications failed, and the brave old man had despaired. Learning that Mr. Chambers, whom he had known well as a neighbor in Kentucky, was in congress, he took heart again, and renewed his application for a pension. Mr. Chambers, whose sympathy was at once thoroughly enlisted, introduced a bill for that purpose, and urged its passage in a speech. He drew a thrilling picture of the veteran woodsman's daring career in his country's service, and described the penury and neglect into which he had fallen in his old age. The appeal was heard with profound interest. The nation's law-makers were for the first time aroused to a sense of justice toward this remarkable man, and the bill was passed by an overwhelming vote.

The writer of this sketch was present when General Kenton presented himself at the law office of Mr. Chambers, having walked all the way from his home on Mad river, in Ohio, to thank his friend. He was neatly clad, his white hair stream-

ing over his shoulders, and his countenance wearing an expression of unwonted complacency and comfort. As he straightened himself up to his full six feet two inches to receive the cordial greeting extended to him, he said, with tremulous voice: "John Chambers, you gave me shelter when I had no home, money from your purse when I was penniless, and now you have——" Here the old man broke down without even reaching the subject of the pension, and brushed away the tears that filled his eyes; while Mr. Chambers said, cheerfully, as he led him to a seat: "Come, general, you are too old now to make a set speech. I understand and appreciate your feelings, and am glad to see you looking so well. I reflect on no incident of my life with more pleasure than my successful appeal in behalf of a public servant who deserves well of his country."

Between 1815 and 1828, Mr. Chambers held for several years the office of commonwealth's attorney for the judicial district in which he lived. He was, during that period, at the zenith of his reputation as a lawyer and advocate. He met the giants of the Kentucky bar in important civil and criminal trials. He contested with such men as Rowan and Hardin and Barry for the honors of the profession, and if success be the measure of ability, he had no reason to be ashamed of his record. His well known high sense of honor, and his contempt for professional chicanery, commanded the respect of his legal compeers. His appearance and manner were dignified, his tone calm and impressive, and his language singularly direct and vigorous. The impression he made on a jury was not easily counteracted, and his efforts were attended with remarkable success.

Mr. Chambers closed his congressional career in 1839, with the purpose of resuming the practice of law, but his old friend, General Harrison, was announced by the whig party for the presidential campaign of 1840. Mr. Chambers was one of a few of the general's companions in arms who could give authoritative denial to the infamous slanders circulated by his political enemies. Accordingly, at the general's earnest re-

quest, he consented to attend him throughout that memorable canvass, and in many a stirring speech, before immense throngs of people, presented the claims of his old commander. When inauguration day approached, a private letter from the president-elect summoned him to North Bend, whence he accompanied him to Washington, where he remained until the arrival of the president's private secretary, whose duties he had temporarily performed.

While in Washington, Mr. Chambers was urged by President Harrison to accept some office requiring his residence there. This he declined, but afterwards accepted the appointment of governor of Iowa. On the 13th of May, 1841, he entered upon the duties of his office. His success in his administration of the affairs of the territory was well attested by the approbation of the people, and by the hearty commendation of those in authority at Washington, especially for his management of Indian affairs. During his term of office he found it necessary, on several occasions, to suppress the intestinal feuds of the red men, which he did with such firmness and decision that quiet was promptly restored where war seemed imminent. Governor Chambers was repeatedly called on to treat with the Indian tribes for the purchase of their lands. In October, 1841, he was commissioned jointly with the Hon. T. Hartley Crawford, commissioner of Indian affairs, and Governor Doty, of Wisconsin, to hold a treaty with the Sacs and Foxes, which, however, did not result in a purchase. In September, 1842, being appointed sole commissioner for the same purpose, he succeeded fully in carrying out the wishes of the government. In 1843 he held a treaty with the Winnebagoes, but in this instance no result was reached.

In 1844, his term of office having expired, he was re-appointed by President Tyler, but was removed, in 1845, by President Polk, to make room for Governor Clark, whose political faith (unlike Governor Chambers's) was in accord with that of the president. Shortly afterward, with greatly impaired health, he returned to Kentucky, where, with skillful

medical treatment and entire relief from official cares, he partially recovered.

During the few remaining years of his life, Governor Chambers's recollections of Iowa were of the most agreeable character. He spoke gratefully of the reception extended to him by her people, and often referred with great kindness to his neighbors in Des Moines county. Indeed, there were many pleasant circumstances attending his residence there. He was much interested in the improvement of his beautiful farm, six miles west of Burlington. His social and official relations were all harmonious. The responsibilities of his office he, of course, could not divide, but its labors were greatly lightened by the systematic industry and intelligence of his private secretary, Mr. J. O. Phister, a native of Maysville, Kentucky, who remained with the governor during his entire residence in Iowa, and enjoyed his confidence and friendship then and ever afterwards.

Governor Chambers's infirm health forbade his engaging in any regular employment after his return to Kentucky, but in 1849, at the solicitation of the commissioner of Indian affairs, he negotiated, jointly with Governor Ramsey, of Minnesota, a successful treaty with the Sioux Indians for the purchase of lands.

The latter years of Governor Chambers's life were spent mostly with his children, whose affection and respect were the chief conditions of his happiness. During a visit to his daughters, in Paris, Kentucky, he was taken sick at the house of his son-in-law, C. S. Brent, Esq., and, after a few weeks, breathed his last on the 21st day of September, 1852, in his seventy-second year.

Governor Chambers's private career was marked by a generosity which was limited only by his means, and was, in fact, the predominant trait in his character. His house and his purse were alike open to every worthy claimant of his bounty. He seemed utterly incapable of any sordid motive. His benevolence gave rise to many pleasant incidents, recalling acts which he had forgotten. On one occasion his fam-

ily discovered that he wore a handsome diamond breast-pin in addition to the less costly one he usually wore. On inquiry they found that he was unconscious of the fact, and was at a loss to account for it; but, on reflection, he remembered that a young gentleman had, a few hours before, pretended to examine closely the breast-pin he was wearing, and next day charged him with the surreptitious present. The reply was: "Yes, sir. I knew your aversion to accepting presents, and therefore did not venture to tender this formally. Years ago you performed valuable legal services for my father, and refused compensation, because you knew he was in straitened circumstances. But you will not refuse to wear this to remind you of my father, and of the gratitude of his son." On another occasion, in traveling through the far west, he found a namesake at an humble farm-house where he had stopped for the night. In answer to a question, the boy's mother said he was named for a lawyer in Kentucky who had helped her family when they were in trouble. She was wholly unconscious that her guest was the identical Kentucky lawyer of whom she spoke.

Governor Chambers furnished a beautiful example of filial love and duty. As early as his fifteenth year he was partly charged with the care of his mother, a woman of high character and strong intellect, whom he fondly loved, and to whose comfort and happiness he devoted himself with untiring assiduity throughout her long life. He was a man of iron will, and somewhat stern in his bearing, but always ready to unbend at the call of hospitality, and always ready to mingle cheerfully in the family circle.

Although often before the people, he was never defeated in a popular election; yet he never descended to any of the arts of demagoguery to secure popularity.

It has not been deemed necessary to include here an extended account of Governor Chambers's official connection with Iowa territory. The desire has been warmly expressed by some of his contemporaries to know more of his early life, and to have his portrait placed in this work. To gratify these old friends this brief sketch was written, and to them (not to the critical public) the writer respectfully presents it.

REMINISCENCES OF TWENTY-SEVEN YEARS AGO.

BY EDMUND BOOTH, ANAMOSA, IOWA.

THE intimation that a biography of Governor Chambers, one of the territorial governors of Iowa, would appear in the July number, brings to mind, and rather vividly, the circumstances of the time, now twenty-seven years since and six years after the country was thrown open to settlement by the government, securing what was then known, on the maps, as "The Black Hawk Purchase."

In February, 1844, matters, needless to mention, led me to go south as far as St. Louis. No railroads being in existence in the west and the Mississippi being frozen, the only course was *via* Iowa City. The territorial legislature was then near the close of its session. Stopping there two or three days gave opportunity to look around and incidentally to make a few acquaintances. Being about to start next morning, the assistant clerk of the house suggested that as the session was near its end, business hurried, no enrolling or engrossing clerk being provided for by congressional law, and therefore no such indispensable personage in existence, an effort be made to supply the deficiency. He proposed that the writer hereof remain a few hours with that view. Of course no objection was made, and the next morning a resolution passed the house accordingly.

I do not propose to bore the reader with legislative debates, proverbially dreary, but to give some incidents indicative of the surroundings and circumstances of that period.

Chambers was governor and Burr was secretary of the territory. Chambers was a large, well proportioned man, with large head, and face corresponding, his face that of a man self-possessed, of pleasant and social nature and of great strength of character. Burr, also, was large in frame but not near the size of the governor. He, too, was of agreeable looks, in fact was what we usually call a good fellow. One

thing bothered him. He was on duty but had not been confirmed by the senate, and on this point he manifested some anxiety. Before the close of the session, however, the news of his confirmation arrived and he was relieved of all further uncertainty.

Near the city — Iowa City, for that was then the capital of the territory — was a band of Sacs and Foxes. One day Governor Chambers came into the House, arm in arm with the chief of this band. The two advanced within the bar and took a seat, the second from the bar. The house was in session and business proceeded, but there was a complete relaxation as soon as this unexpected freak, or whatever you please to call it, of the governor's occurred. The chief, like the governor and secretary, and as is usual with men who attain eminence by native force of character, was of large size, that is to say, larger than his fellows. He was dressed in full Indian costume and as became his rank. The most noticeable feature was his head dress. His cap, or whatever it might be called, showed little else than a dense row of plumage, four or five inches wide, and extending across from front to rear. The colors were varied, but vermilion predominated.

The moment the governor and chief were seated the latter commenced a series of antics that kept the entire house in a sort of half-amused smile, and the speaker, Morgan, known by the nick-name of "Little Red," from his low stature and red hair, behaved no better. First the chief hastily took off his head covering with both hands and set it on the floor in the passage; adjusted his hair or scalp lock; took up the cap, or whatever the thing might be, and set it in place on his caput. In an instant it was wrong and he removed and set it down again, and so it went for some minutes, the governor watching him good humoredly, as did most of the members, business proceeding meanwhile quite languidly. The chief's vanity probably had abundant gratification through all this process, but there came a sudden change. The door opened and a score or so of red skins, the chief's band, began to file in. The speaker rapped to order, and, as well as the entire

house, assumed a stern expression. The sergeant-at-arms hurried to close the bar and planted himself there. The governor assumed a slightly dignified attitude, and the chief, so childish a moment before, seemed to understand the situation, placed his head covering on his head for the last time, and sat gravely and with proper decorum until the governor arose and the two retired together. I may as well state here that roving Indian bands were common at that period, and no surprise, and hardly any attention, was excited by their presence.

In this house was James W. Grimes, then a young man and previously unknown in Iowa politics. He was, at the time, regarded as leader of the whig side of the house. Thos. Rogers, of Dubuque, also a young man, was leader on the democratic side. Both were slender in appearance, but Rogers was quick and vigorous, and Grimes indolent and negligent of appearance. Years have changed them.

It was during this session, and for the first time in an Iowa legislature, that the woman question came up. That question had begun to be agitated and the agitation had extended to Iowa. Petitions to allow women to vote were in vogue and an afternoon was set for discussing the matter. The house assembled and a good number of ladies of Iowa City took seats among the members, there being a small lobby but no gallery. I could not but notice that the aspect of the ladies was different from their every-day appearance in that body. They seemed to belong to the thoughtful class. There was nothing of the gay or frivolous or desire of show in their dress or looks. They sat silent, eyes downcast for the most part, lips almost compressed as if resolved to endure under wrong, and yet possessed of resolution to have the wrong righted in the end, however distant that end might be. Understand, they did not strike me as of Amazonian nature or anything like it, but true, noble women, conscious that the customs of society, remnants of the barbarian past, kept them in a false position. In short — and I am not joking — they seemed like so many Eves on trial for stealing apples, and before judges equally guilty and the Eves knew it.

The discussion commenced. It was in the style of twenty-seven and more years ago and need not be repeated. Few members spoke. Doubtless there were those who felt that it was a large subject, too large for the time to settle or dispose of, but two or three went into regular spread-eagleism and aired their shallowness, their conceit and their devotion to women, as a parlor ornament.

It was at this time that William Crum published the *Iowa City Standard*, a sterling good paper, there being, if I remember correctly, not more than six papers published in the then territory. A. P. Wood, then a young man, was editor of the *Standard*; so it was understood, for his name did not appear in its columns. Van Antwerp, if I do not err, published the *Iowa Capitol Reporter*. The first was whig and the last democratic. Van went by the name of "Old Growler," from his growling propensities. By the way, and a few months subsequently, I had charge of the post office at Fairview, in the absence of the post master. A subscriber to the *Reporter* had vainly tried to stop his paper by repeatedly sending it back. At last some one wrote on the envelope and re-mailed the paper to the publisher:—

"Old Growler! are you deaf or blind?
Canst see, canst hear? Well then, now mind;
For Henry Mahan, of Fairview,
Pray stop your paper, Growler, do.
Vain are your hopes from him of spoil,
And vain for him your midnight oil;
Dost doubt? Then send your lawyer here;
He 'll back return with flea in ear."

It was all in vain. Old Growler was incorrigible. How it finally ended I do not know; but the subscriber removed farther west, three or four years later, possibly as the only way to stop his paper.

The legislative session closed and the members hurried off, most of them glad to escape, for the city was but small, a few scattered buildings along the three sides of the square and the stone state house, now one of the university buildings, forming the base. Burr, the secretary, the writer, and a third

man, slim in make, engaged a two-horse buggy and a negro as driver, to convey us to Burlington. We started accordingly. It was the month of March, the weather bright and pleasant and the roads good. Through that ride of two days it was one continuous prairie, with a few thinly scattered groves of scrub oaks. The buildings were of logs and these were exceedingly rare; except at Wapello and Grandview, the whole number could not exceed a half dozen in the eighty miles traveled.

Where we passed the night after the first day's ride, I do not remember, but Burr's impudence prevents my forgetting that it was a lone log house on the prairie. The occupants were a man, his wife and daughter, the last about seventeen or eighteen. For the situation and surroundings, all passed well; supper, lodging, and breakfast, each satisfactory. But while the good woman was preparing the morning meal the daughter came down—or came from somewhere. It was in the days when ladies' dresses were fastened behind. The mother, it appeared, had no time to fasten the girl's dress. Burr arose, in his lively good humoured way, and, remarking that he always fastened his wife's corsets, proceeded to fasten those of the girl. The latter stood quiet and with the most innocent air, while the Secretary of the Territory of Iowa went as deftly through the operation as though it was his daily business. That done, he resumed his seat, looking slightly as one who thought he deserved a scolding. Soon he got over it and chatted away as before.

At Wapello, then consisting of a few dwellings and a big frame tavern, too big for the place, we met Senator Springer who had reached home the day previous. His office—he was a lawyer—was a frame shanty, a little larger than a hen coop, and I marvelled slightly at finding him in, as it then appeared, so unpromising a spot.

Leaving Wapello, we drove down to the river. The mild weather had thinned the ice; and the team, under charge of the black driver, was sent up stream two miles to a safer crossing. Each of us procured a stout pole, some ten to fif-

teen feet in length, and holding these *a la Blondin*, proceeded to cross the uncertain ice bridge. Not a house nor a mortal was in sight, and should the ice give way — what?

Burr took the lead, stepped carefully forward and proceeded along with the same care. I followed a rod behind, and the slim man brought up the rear at an equal distance. We were midway across, stepping quickly and lightly, Indian fashion, each holding his pole horizontally as a support in case of a plunge. Suddenly my boot heel went through; I drew it out and kept on, for it was no time to dally, but the slim man stopped in affright and spoke. Burr stopped, turned with anxiety on his face and an almost angry shake of his head; I glanced back, saw the look of terror on the slim man's countenance and the exact impress of my boot heel through the thin ice; looked again at Burr, and here we were, all three standing stock still. The whole thing, for the moment, was excessively comical, and in spite of the danger I exploded. Burr looked around thoughtfully and changed his course. I followed as before, and the slim man made a *detour* to avoid tumbling into the boot heel hole behind me. Finally we reached the bank safe. In a half hour the team came along and we proceeded on our way.

Arriving at Burlington, the driver, a good looking and skilful driver I should add, was paid off and our company separated. The city, like all our river cities of that day, was mainly a single street and abundant gaps between buildings. It had a good and commodious court house and well furnished. Here Judge Williams was holding court. Proceeding to Keokuk, then frequently mentioned in the public prints, I felt some disappointment to find it consisted almost entirely of a hotel. But the hotel was first class for the time and place, built on a steep hill side and almost at the water's edge. Here the river was open and I was enabled to take steamer southward.

THE EARLY HISTORY OF IOWA.

BY CHARLES NEGUS.

(Continued from page 485.)

THE MORMONS — THE FIRST SETTLEMENT OF THE WESTERN SLOPE OF IOWA.

On the fifth of June, 1846, the Pottawattamie Indians, who occupied the western slope of Iowa, sold their lands to the United States. Up to that time but little was known of the western part of the state.

The Sacs and Foxes, by the provisions of the treaty of 1842, had the right to the possession of the lands, they had sold, which lay west of Red Rock, till the first of May, 1846, and the Pottawattamies, in their sale, reserved the right to occupy the country on the western slope for a period of two years. But by a train of circumstances, not anticipated, these lands were taken possession of by the whites, and settlements made some time before the Indians left the ceded territory.

The Mormons, a religious sect, who had built up a town at Nauvoo in Illinois, numbering about twenty thousand persons, on account of some difficulties which they had had, were under the necessity of leaving that place and to seek a new location for building up the "Church of Latter Day Saints." After these troubles in Illinois, many of this religious denomination crossed over the Mississippi into Iowa, and started west. As the Mormons had quite a prominent part in the settlement of the western part of the state, it may not be uninteresting to go back and take a brief view of their history previous to this time.

The origin of the Mormon religion bears date about the year 1830; and originated with a family by the name of Smith, who at that time lived in Ontario county, New York. The family was represented as being unprincipled, idle, ignorant, and superstitious, believing in ghosts, witches, fortune-telling, &c. They first attracted attention by having what they called a "peep stone," which, when placed in a hat,

Joseph Smith, Jr., who may be said to have been the founder of the Mormon religion, by putting his face into the hat so as to exclude the light, professed to be able to see anything he wished. In this way he told where lost property could be found, and also, where there were hidden treasures.

While thus employed with his "peep stone" he discovered the plate on which was engraved the Mormon bible.

These plates were represented as being about eight inches square, made of a yellowish metal, about the thickness of sheet tin, and fastened together in book form by three rings passing through the back. These plates were said to have been covered with divers wonderful characters, unlike anything of modern date, which were beyond human power to interpret.

But young Smith, by the aid of divine inspiration, assisted by two or three others, succeeded in interpreting the plates, and produced the Mormon bible.

When Smith had got his new bible published, he zealously labored to sell his book and make proselytes.

He fell in with Sidney Rigdon, a minister of the Campbellite church, an eloquent and able debator, who resided in Kirkland, Ohio. Rigdon became a convert and entered into all the schemes which had been originated by Smith; and by the aid of Rigdon, and others, Smith soon had quite a band of followers.

It was resolved to make Kirkland their head quarters, and all of the Smith family moved to that place, and laid their plans for building a large city, and commenced to erect a temple. But young Joseph Smith came to the conclusion that this was not a suitable place, and Independence, in Jackson county, Missouri, was selected, and a city was laid out at this point, which was called Zion. In a period of about two years there settled in Jackson county, about twelve hundred Mormons. They had a printing office, a mercantile establishment, which they called the "Lord's store-house," and several mechanical shops established in Independence. And while the

town was made their head-quarters, Mormon settlements were made all over the county.

One Edward Partridge was appointed bishop over the new colony, and controlled and exercised authority over the spiritual and temporal affairs of the Mormons at that place, but in all his acts was obedient to the revelations of Smith.

The Missourians were not well pleased with their new neighbors, and soon serious difficulties began to arise.

The citizens of Jackson county became alarmed at the growing power of this sect, and came to the conclusion to rid themselves of this fanatical people. On the 20th of July, 1833, the Missourians, some four or five hundred in number, held a meeting at Independence, at which they prepared an address to the public, setting forth their grievances, and passed resolutions "that no Mormons shall in future move into and settle in the county."

"That these now here, who shall give a definite pledge of their intention, within a reasonable time, to remove out of the county, shall be allowed to remain, unmolested, until they shall have sufficient time to sell their property and close their business without any sacrifice."

By this resolution the editor of their paper was required to, forthwith, close his office and discontinue his business, and the Mormon leaders were required to use their influence to prevent any further immigration of their brethren to the county. The resolutions also required that all the shops in the place should be closed, and the owners to speedily wind up their business, and leave the county.

The meeting then appointed a committee to wait on the Mormon leaders and inform them of the proceedings of the meeting, and that it was their unwavering determination to carry their resolutions into effect.

The meeting now adjourned to give the committee an opportunity to have a conference with the Mormons, and having performed their duty, in about two hours the meeting again convened to hear the report. The committee reported that they had waited upon the bishop, the editor, the "keep-

er of the Lord's store-house," and others, who declined an immediate answer, but wished for time for consideration, and to consult with their brethren in Ohio.

On the reception of this report, it was unanimously resolved to raze the printing office to the ground, and the meeting immediately repaired to the spot and accomplished the work.

They then adjourned for three days, when a much larger meeting was convened, and another committee appointed to wait on the Mormon leaders.

This committee reported, that they had made an amicable agreement with the Mormons, and had also assured the editor of their paper, whenever he was ready to leave the county they would indemnify him for all his losses.

The substance of this amicable arrangement was, that the Mormons should immediately leave the county, and use all their influence to dissuade others from coming there, and the Missourians were not to disturb them while closing up their business.

This quieted the Missourians for the time, but the Mormons made no preparations for moving, and applied to the governor of the state for protection. To this the governor replied, that it was not his province to act in their behalf, until they had resorted to the laws, and ascertained that they could not be enforced.

The Mormons commenced civil suits for the loss of their property; from which the Missourians came to the conclusion that the Mormons did not intend to live up to their part of the stipulations, and early in the fall the Missourians again began to commit depredations. Some forty or fifty of them fell upon a small settlement in the out-skirts of the county, whipped some of the men, scared the women and children from their homes, and unroofed their houses. They next made an attack upon the "Lord's store-house" and the dwelling of its keeper, and for several days there were men, on both sides, constantly under arms, and two of the citizens and one Mormon were killed. As soon as these difficulties had

happened, messengers were sent to Kirkland, Ohio, greatly magnifying the outrages which had been committed. On receiving this information, the prophet (Joseph Smith, Jr.) immediately set himself to work to give them relief, and issued a general proclamation to all the churches, calling on them for aid. In the meantime the Mormons in Missouri, undertook to get redress from the courts, and to inflict the penalties of the law on the rioters, and the governor called out the militia of an adjoining county to protect the witnesses in their attendance at court. But it seems that no grand or petit jury could be got, without getting some persons on it who had been implicated in the outrages, and redress for the Mormons from this source proved a failure.

There was a force collected at Kirkland, which started on the first of May, 1834, well equipped with the implements of war, for the relief of their brethern in Missouri; and as they proceeded on their way, others joined them; so that when they got into Missouri they numbered two hundred and twenty men, under the immediate command of the prophet. But before they got to the head-quarters of their brethren in that state, they were met by two gentlemen, as a committee from the Missourians, for the purpose of inquiring into the object of this military display. Smith and his followers, were warned of the results, which would necessarily follow, if they proceeded in their hostile undertakings. They were told, that not only the citizens of Jackson county, but those of other counties, would combine, and the result would be the entire slaughter of all the Mormons. It seems, Smith thought discretion the better part of valor, abandoned the enterprise, and disbanded his army. The Missourians, while the Mormons were marching into their state, had not been idle spectators; for the citizens of Jackson county raised a force equal to that of Smith's, and were ready for action.

But in order to adjust these difficulties they appointed a committee to visit the Mormons for the purpose of effecting a settlement. They proposed to the Mormons, that they would have their property appraised, and they would buy at the

appraised value all their lands in Jackson county, on conditions that they would leave the county; or they would sell their lands to them and leave the county themselves. After much negotiation the Mormons concluded to abandon Jackson, and take up their residence in Caldwell county, then unorganized.

In this county this people took up their abode, laid out a new town, which they called "Far-West," and enjoyed quiet for the most part of the time, and were prosperous till the fall of 1838. By this time they had become quite numerous, and were in possession of much real estate in the western part of Missouri. But they could not live in peace with their neighbors, depredations were constantly being committed upon each other, and feelings of revenge were carried to such an extent, that they got up, on a small scale, a civil war, and several persons were killed. The executive authority was called into requisition, and his excellency, Lilburn W. Boggs, then governor of Missouri, called out the militia to quell the disturbances. General John B. Clark, was appointed commander of the militia, about four thousand five hundred in number, with instructions from the governor, if he should consider it necessary to the permanent establishment of peace in the state, "to exterminate the Mormons, or drive them beyond the boundary lines of the state."

When this force was brought against the Mormons, they gave up the contest, grounded their arms, and submitted to the decisions of the executive authority.

Many of the leading men were held as prisoners, on charge of treason, while the others were required to immediately abandon their property and leave the state. This severe course, on the part of Governor Boggs, greatly exasperated the Mormons, and particularly the prophet, against him.

Forcing the Mormons, at this time of the year, to immediately abandon their homes, caused a great sacrifice of property, and much suffering, particularly among the women and children. But it did not seem to check their prosperity, for the course pursued by the Missourians was regarded as a

persecution, which elicited much sympathy in their behalf, and caused aid and countenance to be given them, which would not have been, had they been treated less rigorously.

They crossed over the Mississippi into Illinois, where they found those who treated them kindly and relieved their wants.

At the time of their greatest need they met with Dr. Isaac Galland, who owned large quantities of land in Illinois, also, an interest in the half-breed's tract in Iowa, who took an interest in their behalf, and sold them lands on reasonable terms; and took their lands in Missouri, in part payment.

The Mormons mostly settled on the east shore of the Mississippi, in Illinois, where they laid out a town, on a large scale, which they called Nauvoo. Here they made their head-quarters, though many of their numbers settled in the surrounding country, and some on the opposite side of the river, in Iowa. Here, for a while, they were very prosperous, their numbers rapidly increased, and they had a fair prospect of soon building up a large city.

But they had not been there long before they again had trouble. For Governor Boggs, while sitting in his office, near a back window, was shot at by some unknown person, with a gun loaded with buck-shot. Nine of the buck-shot penetrated his person about the head, and he was much injured, though the wounds did not prove fatal. This act was charged upon one O. P. Rockwell, as being done at the instance of Joseph Smith, the prophet, and the governor made a requisition on the governor of Illinois for Smith.

As soon as he was arrested, Smith got out a writ of *habeas corpus*; and was discharged on the grounds, that he had not been into Missouri, and could not be taken into that state for trial, for a crime which had not been committed within the limits of that state.

The failing to get Smith, greatly exasperated the Missourians, and they anxiously waited for an opportunity to wreak their vengeance upon him.

The citizens of Illinois, in the vicinity of Nauvoo, became much dissatisfied with their new neighbors; and great com

plaints were made of injuries committed on them by the Mormons, and the Mormons, in turn, complained of like injuries against them.

Matters went on in this way till there arose a difficulty among themselves, when the demon of discord commenced to stir up envy, jealousy, and strife; with a boundless ambition.

A man by the name of John C. Bennett, came among the Mormons, after they settled in Illinois, professed to be strongly in their faith, and being a man of superior talents, soon rose to high honor in the church. But his prosperity made him reckless, and the authorities of the church called him to an account for his misdemeanours, deprived him of his honors, and turned him out of the church. Bennett now became desperate, denounced the Mormon religion and exerted himself, to the utmost of his ability, to wreak his vengeance upon the prophet and his followers. In the meantime several others, who had stood high in the church, among whom were William and Wilson Long, "were cut off from membership." The latter did not, like Bennett, condemn the Mormon religion, but denounced Joseph as a false prophet.

They procured a printing office for the purpose of establishing a paper at Nauvoo, and on the 7th of June, 1844, issued the first number of the *Nauvoo Expositor*, in which was a severe personal attack against the prophet, and some of the most active and influential members of the church.

At this time Nauvoo had been incorporated as a city, and claimed to have about twenty thousand in population. On the issuing of this paper, the city authorities were called together by Smith, then the mayor of the city, who had by their charter the authority "to declare what shall be a nuisance, and to prevent and remove the same." Under this authority "the city council of Nauvoo, declared the establishment and *Expositor* a nuisance, and the city Marshal at the head of the police, took the press, material, and paper, into the street and burned them." This summary proceeding created a tremendous excitement, which spread with the rapidity of a fierce conflagration in a tornado, until the whole surrounding

country was in one flaming blaze of passion, and fresh fuel continued to be added to the flames, by a portion of the press giving spread to the most exaggerated rumors about the doings of the Mormon leaders. All those who had had difficulties with the Mormons, either in Missouri or elsewhere, were now active, and using the destruction of the printing office as a pretence, sought to retaliate upon them *en masse*, for all the injuries they had received from any of the denomination.

Public meetings were held, and propositions made to raise forces to chastise the Mormons.

The Mormons were not idle spectators of these movements, and prepared themselves for defence, and the city council passed an ordinance, "that if any officer, or officers, should attempt to arrest any person engaged in the destruction of the *Expositor* press, and take him out of Nauvoo for trial, he should be imprisoned."

Writs were issued on a charge of riot, for those engaged in destroying the *Expositor* office, from Carthage, the county seat of the county; and the officer undertook to arrest them, and bring them to that place for trial, but failed. In the meantime, Joseph Smith, as mayor of the city, issued his proclamation, vindicating the action of the council, and assuring Governor Ford, that they were willing to submit to a fair trial before any court in the state; if they could be protected from mob violence.

The excitement was so great, and such were the warlike demonstrations, that Governor Ford thought the exigencies of the occasion required more than ordinary exertions to keep the peace, and for this purpose he called out a large body of militia. The governor sent a message to Smith, if those engaged in the destruction of the printing office, would submit to the civil authorities, that they would be protected against mob violence; with this assurance they all consented. And the governor sent a company of dragoons, with the officer, to Nauvoo, and the rioters, eighteen in number, were brought to Carthage and lodged in jail, till the necessary preparations could be made for trial. Among those arrested were Joseph

Smith and his brother, Hiram. After these arrests were made the excitement abated, and the public feeling was so far quieted, that Governor Ford thought prudent to disband a portion of his forces, and only retained two companies to protect the jail, and one to escort him to Nauvoo, to have an interview with the citizens.

On the 27th of June, 1844, while the governor was absent, at Nauvoo, a body of about two hundred men, dressed in disguise, like Indians, made an attack upon the jail, overpowered the guard, broke into the room, where the two Smiths and the editor of the *Nauvoo Neighbor* were confined, instantly killed the two Smiths, and severely wounded the editor.

The killing of the two Smiths seemed to satisfy the enemies of the Mormons for a while, and their city became quiet. The business at Nauvoo revived, and they went to work with renewed energy to finish their temple, that had been commenced, which was the largest and most costly building, of the kind, at that time, in the west.

But the difficulties of the Mormons did not cease with the death of the Smiths. Their enemies soon commenced renewed persecutions against them, and their troubles were such, that they were compelled to leave Illinois, as they had been, Missouri.

Their leaders resolved to move west, beyond the settlement, where they would not be in contact with those differing with them in religious faith.

In the fall of 1845, they commenced to dispose of their property, and made arrangements to leave, and during the winter many moved over the river and stopped in Iowa, wherever they could find shelter and protection. And early in the spring nearly all of the Mormons left Nauvoo; some planted a colony in Wisconsin, others, growing cold in the faith, scattered through country. But a large number started west, without any fixed point for their destination, though California, then belonging to the Mexican government, had attracted their attentions. There were over a thousand collected to-

gether in one company, and as a pioneer corps, in the spring of 1846, commenced their journey west, to explore the country, and open up a tract for others to follow.

By the treaty of 1842 with the Sac and Fox Indians, the western boundary of the white settlements, at that time, was about on a line with the present western boundary of Appanoose and Monroe counties, beyond this boundary it was one vast wilderness; no thoroughfare, except Indian trails, and no white man had been there, except occasionally a traveler, government troops, and Indian traders.

The Mormons had a party, whose business it was to go in advance of the main company, to explore the route, and make fords and bridges, by which the streams could be crossed. They came up the Des Moines valley, till they reached the western part of Van Buren county, they then took their course through the northern part of Davis and Appanoose counties. When they got near the western part of Appanoose county their company divided, a party taking the highlands on each side of the Chariton river, but their trains came together again in Clark county. As soon as they got into the Indian country; selecting the most eligible spots, they commenced establishing colonies, at such distances from each other as would be likely to afford comfort and facilitate the travel of those who might follow in their trail after them.

Several families stopped at Garden Grove, in the northeast part of Decatur county; another party made a location in Lucas county, at a place which was known as Chariton point, about a mile and a half south of the present town of Chariton. Some four or five families stopped at a point called Lost Camp, about six miles south of Osceola, at the point where the two trains came together. From this point their course was on the highlands, dividing the water courses, bearing a little north, till they reached the eastern part of Union county, where they established another colony, which they called Pisgah. From this point they took a northwestern course through the prairie, on the dividing ridges, till they reach a point a little north and west of the center of Adair

county, then they bore south, passing by what was known, in early days, as Sargent's Grove, in Adair county, and Campbell's Grove, in Cass county. At these points, houses at which the weary traveler could stop, were built. Their course went through the southern part of Cass county, and there was quite a large settlement made at a point called Indian Town, on the east Nishnabotany. They took this circuitous route to get a level road, and avoid the crossing of numerous small water courses. When they reached the Missouri bottom lands, they made a halt; their party scattered, and they went to work to raise provisions, and prepare for winter.

A party of about thirty pitched their tents on the Missouri river bottom, on the east side of Key creek, about four miles north of the south county line of Mills county, and the same season they built up quite a village of log cabins, which they called Rushville. Another large party crossed over the Missouri and made a settlement on the west side of the river, about ten miles above Omaha, which was known by the name of Winter Quarters. Another settlement was made nearly opposite this, on the east side of the river. And many individuals located themselves in different parts of the country; built cabins, and opened up farms. But their main settlement was on and about a little stream called Indian creek, which was first called Miller's Hollow (now Council Bluffs); so called from the fact that Henry Miller, a prominent man among the Mormons, first built a cabin there and opened a store, but the Mormons subsequently "called it Kaneshville, in honor of the celebrated Dr. Kane, the great Arctic explorer."

About the time of the Mormons starting west, the war between Mexico and the United States commenced.

Congress immediately passed a law authorizing the enlistment of soldiers for one year, and it was thought advisable, on the part of the United States, to send a force from the Missouri river across the mountains to California. This expedition was entrusted to General Kearny, and there not being, in the west, troops enough of the regular army to answer the wants of the government, it became necessary to raise volunteers for one year, under the act of congress.

Captain James Allen, who had had command of the troops, stationed in Iowa, opened a recruiting office on the Missouri river, and the Mormons having assembled in large numbers on the Missouri, and being anxious to explore the western country, and now having an opportunity to do so, under pay from the United States, a large number of them enlisted for one year, while the balance remained on the Missouri, till they heard from those who went to explore the country.

The opening up a thoroughfare across the western plains attracted the attention of many persons, and in the spring of 1847, quite a large emigration from Iowa went across the mountains to Oregon. The acquiring from Mexico a large tract of country, and the discovery of the gold mines in California, in 1848, created a great excitement in the states, and there was an immense emigration across the mountains in the spring of 1849; most of which passed through Iowa.

In the spring of 1849, the Mormons, getting reports from their pioneers, most of those who had the means to emigrate, started west for Salt Lake, to establish a colony, where they could enjoy their religious sentiments undisturbed by their enemies. Yet, a large number remained, most of whom engaged in cultivating the soil, some in trade; and they built up quite a village at Kanessville. This point was the great business mart of the Mormons, and became the principal crossing point of the Missouri, for the emigration across the mountains, and where emigrants laid in their supplies. Many of the Mormons, who had made their way to this point, had not the means to pursue their journey farther, and had to stop here till they could procure the necessary outfit.

For several years this part of the state was occupied almost entirely by Mormons, who at that time held a prominent position in the affairs of Iowa, particularly in political matters.

But the business at this point became of such importance, on account of the overland emigration, that in 1850, several business men, not of the Mormon faith, settled here and opened stores. And the Mormons gradually leaving for the west, and others supplying their places, this religious sect soon ceased to attract attention in Iowa.

A SKETCH OF THE LIFE OF REV. HENRY P. SCHOLTE,
LEADER OF THE HOLLAND COLONY
IN MARION COUNTY.

BY WILLIAM M. DONNEL.

The subject of this sketch, the latter part of whose life was so intimately connected with the large and thriving colony planted in Marion county, in 1847, that his biography might fairly constitute a history of the colony itself, was born in Amsterdam, Holland, in 1805.

Early in life he manifested a desire to enter the naval academy, and become an officer in the navy; but his mother, for whose preferences he had a dutiful regard, opposed the scheme, and he abandoned it; but being of an active temperament, and averse to idleness, he apprenticed himself to a carpenter, learned the trade, and also made some advancement in the art of drawing.

When about seventeen years of age his father died, which circumstance called his attention to the subject of religion, and his interest in this subject eventually ripened into a desire to preach the gospel. With a view to prepare himself for this profession, he began the study of the languages, and made so much progress in this department that he was prepared to enter the seminary, at Amsterdam, in 1821. In 1824, he passed successfully through the literary examination, at the University of Leyden, and began the study of theology at that institution. During a powerful religious revival in Holland, in which two converted Israelites took an active part, he became acquainted with numerous leading Christians of various denominations, from England, France, Germany, and the Netherlands, who were on a visit to Holland, and became so powerfully convinced of the narrowness of sectarianism, that he abandoned it altogether, regarding even church organizations of secondary importance. He was, therefore — quoting his own words — “prevented from clothing his faith in the straight jacket of ecclesiastical formalism.”

In 1830, a rebellion broke out in Belgium, and Mr. S., with many other students, responded to the call of the king for troops to suppress it. At the close of the rebellion, 1832, he returned to his studies at the university, passed through the theological examination, and was licensed to preach. In the same year he was examined in the synod of Holland, and in 1833, was installed as minister of the gospel in the national reform church establishment. Here, however, he began to experience trouble, resulting from his refusal to submit to the established forms and doctrines that he found had produced a spiritual degeneracy in the church. His decided opposition to a sectarianism that amounted almost to bigotry, brought down upon him the enmity of the national clergy, and this, in 1835, resulted in separation. Mr. Scholte, and a few other ministers, followed by a large number of lay members, withdrew from the national church, and became a separate and independent organization. But they were not permitted to remain so undisturbed. Instigated by the synod of Holland, the government commenced, and for some time carried on, a series of persecutions against the rebels, consisting of fines and imprisonments, basing the legality of their acts upon a law of Napoleon, forbidding the assembling together of more than twenty persons for religious services. For a violation of this law, Mr. Scholte was once imprisoned and fined several hundred guilders. But, during his imprisonment, he made valuable use of his time by acquiring a knowledge of the English language from the study of standard authors, which acquirement became quite useful to him afterwards.

But these persecutions, instead of putting down the rebellion, increased the number of its adherents, till finally the government became weary of so unprofitable an undertaking, and, soon after the accession of William II. to the throne, persecution ceased entirely, and the newly-organized church was permitted to flourish free of the restraints of sectarian rule enforced by secular authority, and independent of governmental patronage; yet in the matter of schools and the education of the young, their independence was not complete.

The relations between church and state extended through the schools, and these were the nurseries of both ; and this state of things naturally gave rise to a desire, among the independents, for the privilege of educating their children more in accordance with their own religious views.

In his ministerial labors, Mr Scholte became acquainted with the middle and poorer classes of the country, and had ample opportunities to observe the disparity in their social conditions, the result of pecuniary circumstances ; how difficult it was for the poor, and even those of small means, to support themselves and their families, to say nothing of attaining to the social position that merit should entitle them. In the kindness of his heart he began to think about adopting some plan by which relief could be rendered. But he could think of none that could be successfully carried out within the narrow and crowded limits of the Netherlands. So it occurred to him, that emigration to some new country would be the only practicable means of reaching the end desired. In this view of the case he associated with himself another minister of some eminence and ability, and together they made diligent efforts to inform themselves of the natural, social, and political conditions of the various countries that might become an asylum for the poor and oppressed.

But previous to directing public attention to the subject, they wrote a letter to the minister of colonies, asking for vessels and a free passage to the island of Java, and for permission to make free settlement there. On receiving a reply to the effect that the government was not disposed to permit such settlements in her East Indian possessions, they turned their attention to America ; and among other portions of this continent, at first favorably thought of, as a location for a colony, was Texas, but after obtaining all the information they could, relating to its geography, climate, &c., it was decided to be too warm ; Missouri was also had in view, but the existence of slavery there, at that time, forbade its choice as a location. Finally, Iowa, then the youngest sister in the family of states, was chosen as the land of refuge.

Nothing more now remained but to enlist the interest of a sufficient number of others to form a colony self-sustaining in its corporation. The first meeting for this purpose was held at Leersdam, July, 1846, the next at Ulricht, in December of the same year. At this meeting an organization was effected. Henry P. Scholte being elected president, A. J. Betten, vice president, and Isaac Overcamp, secretary. A board, or committee, was also appointed, whose duty it was to receive members, regulate the supply of provisions, and arrange for means of transportation. This board consisted of four members, G. H. Overcamp, G. F. Lecoque, John Reedfeldt, and A. Wigny. In the reception of members, the board was confined to certain conditions, to-wit: No profane, immoral, or intemperate person could become a member of the colony, nor any avowed atheist, skeptic, or Roman Catholic.* Another important condition was, that all members who could command the means, should take charge of one or more poor but worthy persons, or families, who desired to go.

Governed by these rules, the organization rapidly increased in numbers, notwithstanding the well known natural tenacity with which the human heart clings to the associations of its native land. In a majority of instances, it requires the strongest will, the most determined resolution, backed by stern necessity and hope for the better, to leave forever the only spot on earth that has ever been dear to him, the home of his birth. Yet, by the spring following (1847), the association numbered about one thousand three hundred persons, and between seven and eight hundred were prepared for the journey. Four sailing vessels were chartered to carry them to Baltimore; and early in April three of the ships sailed from Rotterdam and one from Amsterdam. The voyage occupied about fifty days, more or less, as the vessels did not all reach port at the same time; but in the early part of June they all landed at Baltimore, except nine persons who had died during the pass-

* The reason for such exclusion is apparent, when it is known that one among the principle objects of the association was to peaceably preserve religious liberty among themselves.

age. Here they were soon joined by Mr. Scholte, who, with his family, had come by steamer.

Their conveyances from Baltimore to Pittsburg were canal boats and rail cars; and from thence to St. Louis they came by steamer. Here they were received by E. F. Grafe, a German, who had been for some time a resident of St. Louis, and had been apprised of their coming. And here it was necessary that they should sojourn for a few weeks to make certain preparations for the remaining portion of the journey, and for final settlement. A temporary shelter was prepared for their accommodation, a little without the city limits, where they remained till the latter part of August.

Now, like the children of Israel, on their approach to the promised land, they found it advisable to send forward a committee to spy out the country, and select a location. Henry P. Scholte, Isaac Overcamp, and John Reedfeldt, were assigned this duty. But, not like the spies of old, they were kindly received and encouraged in the object of their mission. On reaching Fairfield, they were met by Rev. M. J. Post, a Baptist minister, whose duties as such had given him a knowledge of a large tract of country between that place and Fort Des Moines, and he recommended to the committee the beautiful prairie between the Des Moines and Skunk rivers, in Marion county, as a favorable site for a colony. Mr. Post thereupon volunteered to pilot them to the place, and on reaching it, they were so much pleased with the beauty and natural resources of the country that they at once decided to select two townships (now Lake Prairie), and lay out a town. But as there were already a goodly number of American settlers in the district, Mr. Scholte, who was treasurer as well as president of the colony, set about buying out as many of them as would sell their claims, together with such live stock and farming utensils as he could get, that would be indispensable to his people in agricultural pursuits.

On their return to St. Louis, carpenters and other mechanics were sent in advance with tools and means for procuring lumber, to erect a large temporary shed for the reception of

the colonists. This shed was put up at what is now the western outskirts of Pella, and was for some time occupied by a large number of people, till other temporary shelters could be provided for the accommodation of individual families. A majority of these houses, or more properly hovels, were made of the tough prairie sod, walled up over cellar-like excavations in the earth, to give more perpendicular room, and secure warmth in winter. The long prairie grass, thatched, took the place of shingles for roofing. Many families secured shelter in the cabins lately occupied by those Americans who had sold their possessions and moved away. Mr. Scholte and family lived for some time in a little log cabin that had been erected as a claim pen, by Thomas Tuttle, long before Pella was thought of, and that happened to stand in what is now the public square.

Many anecdotes might be related in connection with life in the colony at this early period, but the brevity of this sketch will hardly admit of it; besides, it was intended as a biography rather than a history. We will, however, admit one or two. It can hardly be supposed that the grass roofs of those sod houses would be proof against the heavy rains that sometimes descend in this country; besides, during a rainy season, the earth would be soaked with water. Thus dripping from above and oozing up from below, not unfrequently these semi-subterranean dwellings would half fill with water during a night, compelling the occupants to bail it out or seek higher quarters. On one occasion, during the night, an ox that happened to be grazing near one of these dwellings, finding the grass rather short, evidently mistook the grass roof for a hay-stack, and "went for it." After eating some of it, he got upon it with his fore feet, probably in search of a better quality of provender, as cattle will do, when the structure gave way to his weight, and plunged him head foremost into the apartment below, to the great terror of not only the beast himself, but of the inmates of the room, who must have been sleeping soundly till the crash awakened them. Fortunately, however, none were injured, and the frightened ox made his

way out of the pit by the most practicable route, which must have been the door, and went his way, probably resolving, in his own mind, never to put his foot in it again. In those days snakes were numerous, and would often intrude themselves into those earthy habitations to the great annoyance of the people, attracted, probably, by the warmth about the roof; when the weather was a little cool, they would crawl through it and fall into the room. Frequently an ugly reptile would drop himself down the sod chimney into the fire, or into the soup, if cooking happened to be going on at the time.

Soon after their settlement here, Mr. Scholte, and other leading Holanders, caused a town to be laid out as a nucleus of the colony, and called it Pella, a Hebrew word signifying a place of refuge. Only a few blocks were platted at this time, and the platting was not completed till 1849, when the colony was increased by the arrival of about seven hundred more members.

In politics, Mr. Scholte was a whig previous to his arrival in this country, having studied and admired the opinions of Henry Clay. In 1855, he commenced the publication of a newspaper called the *Pella Gazette*, the first paper published in the county, and the most western one in the state, east of Council Bluffs. It was whig in principle, but headed "independent." But soon after the principles of the "American party" began to be agitated, Mr. S. became a democrat, and the *Gazette* supported Buchanan for president. At a somewhat later period, he became an ardent republican, and officiated at the Chicago convention in 1860, when Abraham Lincoln was first nominated for president.

Besides his original calling as a preacher of the gospel, Mr. Scholte adopted the profession of law, and was an able advocate. As an orator he was well qualified, both by a superior talent and education, and, but for the natural inability to distinctly sound the English language, he might have been eminently popular as a public speaker. As it was, his Fourth of July addresses, delivered in English, were listened to with interest. As a writer, his style was simple, comprehensive, and

deep. He was the author of a number of pamphlets, principally in his native language.

Generous in his nature, he was ever ready to contribute to any public enterprise calculated to promote the moral or pecuniary welfare of the community. One large church building in Pella will long stand as a monument of his public spiritedness. To the Iowa Central University he donated the five acres of land on which it stands, being in the most beautiful part of the city.

Mr. Scholte, though he had a few enemies, as few good men have not, had many warm friends who still occasionally speak of his good qualities and virtues, having experienced benefits from the same.

Having succeeded in a great enterprise, dear to him from the time he first conceived it, and having witnessed the growth and prosperity of the colony, after a short illness that seemed to be the culmination of a chronic indisposition, he died, August 25, 1868.

HISTORY OF MARSHALL COUNTY.

BY NETTIE SANFORD, MARSHALLTOWN, IOWA.

(Concluded from page 548.)

ABOUT seven o'clock on the morning of the 11th of January, 1859, Judge Smith, after a night of intense agony, is found in a chamber of Rev. Mr. Babcock's, surrounded by several prominent citizens of Marshalltown, with a sheet of paper before him, for the purpose of writing an order for the removal of the county records, after a formal re-canvass of the vote. The judge was astonished to find a paper, with the county seal affixed, knowing that he had not given any such paper. Wondering where it came from, he concluded it was a good plan to throw off the responsibility on some unknown rascal, signed the order for the removal, and went through a legal

pantomime, as his sham captors desired. The moment this order was signed, men were sent in every direction to the friends of Marshalltown to go to Marietta, take the records by force, and bring them down to the Town Hall.

Sheriff Harris had been elected upon this local issue, and with a flourish of trumpets ordered out the Bowen Guards, a Falstaffian militia company of Marshalltown, to make preparations for marching on Marietta. Harris buckled on a big sword that had never been wet with human gore. Every warlike weapon, down to a first-class darning-needle, was scoured up ready for the fray. Wagons began to come into town filled with country farmers, armed, if possible, or else looking very savage. Orderlies from the grand army had drummed up a crowd of at least five hundred by the time they were ready to start; wives and sweethearts kissed and bade them "good-bye," with the expectation that the loved ones would be brought back lifeless corpses.

By eleven o'clock, Marietta had quite a respectable army also in operation, commanded by Weatherly, ex-sheriff, ready to defend the court house against organized thieves. A keg of powder had been bought and placed under the safe of the court house with a train and slow match, to blow the raiders into atoms if they were determined to go inside the doors. The excitement increased every moment after it was rumored that the army of invasion was within a half mile. Marietta ladies, gentle and refined, caught up guns and axes, and belligerently defied the robbers "to show their hands." Crookham, the lawyer, made his will "in the wink of a cat's eye." Quincy Black and Mr. Dishon leaned over their gates, pistols in hand, to defend their firesides, for the threat had gone forth that the invading army would burn the town. Slowly the guards and volunteers advanced, with Harris, Elliott, Shurtz, and Wells Rice in front. Harris, believing danger was ahead, at a favorable opportunity slipped away. Hepburn, now Col. Hepburn, of Page county, was also in the front, and when all were within a few feet of the court house, the click of rifles told both sides to beware. Surrounded by

the swaying crowd, swearing, excited, it is a wonder that so much order was maintained by the guards. Alex. Crow, a hotel keeper, drew his gun on one of the soldiers, when Sam Hoffman, discovering him at the unlucky moment, drew up his gun, and, with an oath, said, "I'll make a *white* crow of you if you shoot one of our men." Hepburn jumped back and threw up his hand, saying, in a loud voice, "For God's sake, don't shoot,—we Marshalltown men only want the records."

But at this critical moment, above the roar of voices, was heard Boardman, of Marietta, reading an injunction from Judge Thompson, of the district court, restraining the removal of the records. How this injunction was obtained after the judge's previous action and the action of the county judge, has never been satisfactorily explained. It was probably obtained something after the manner of the order for the removal. In its proper place we forgot to mention how the sheet of paper was found with the county seal. Hon. G. M. Woodbury went into Judge Smith's office to get a deed, when he let the county seal fall just right on the paper. Then he carelessly folded it up and put it in his pocket.

After the injunction had been read, the Bowen Guards slipped away rather precipitately from the court house yard, swearing, with the other Marshalltown men, vengeance on the judge who had come between them and their long coveted prize. It is strange how courage oozes sometimes away in the presence of real danger. One valiant Marietta man emerged from a pile of rails, another took his gun from the window a half mile off, where he had been watching the fight. A guard left the ranks, for he had "the stomach ache fearfully," and did not return till the fight was over. Another slipped out to light his pipe,— "be back in a minute, corporal." But his minutes lengthened into an hour, and he got back into the ranks about a mile out from Marshalltown, as the guards returned home. Harris did not appear to take command, so Shurtz ordered his men to "fall into line and march home," as we above intimated. As they passed one Daly, who

was armed with a sausage stuffer, they received a blast of water. This was certainly one of the most comical fights on record. Daly had no ax or gun, and his wife suggested the weapon, without seriously thinking he would use it.

The women and children of Marietta flouted and jeered at the poor guards; some threw decayed eggs and vegetables, but it did not enrage them enough to shoot. It is a wonder that no chance shot was fired, or that these half-crazed men still had respect for law and order to go quietly home. Had Harris rushed in and gone to breaking locks in the court house without caution, there is no doubt blood would have flowed like a tide. At sunset Marietta was alone in her empire, no one hurt, no one killed, still the county seat of Marshall, without sending a single hero to the shades of Valhalla.

We will not attempt to describe the feelings of that stalwart army, the Bowen Guards, as they approached the streets of Marshalltown, for here the tragedy ends in a farce. They had marched up "more than *one* hill, then down again," had come home victorless, and no scalps, no county records, no ashes of Marietta homes, not a smell of gunpowder, but awful tired, cross, and hungry. "Where was you in the fight?" "Where is your dead?" These questions assailed the poor guards on every side. False reports of death and battles had been circulated all day through Marshalltown, so that when the doughty army returned safe and sound, the rebound from such a dismal state of things was great. Wives joked over their tea at the expense of their warlike chieftains, and when night set in, Marshalltown, on the whole, was in almost as happy a frame of mind, barring the fighters, as her prouder rival of "the up-river bend."

CHAPTER VI.

But more was had of the pen than the sword. The lawyers were busy, and at the April term of the district court the mandamus case came up again.

There was a long trial on the injunction. An attachment was also issued against Judge Smith, as he did not show

cause to the court for his contempt in not re-canvassing. He appealed to the supreme court, which decided against him at once. Previous to this action of the courts, Judge Smith issued county bonds to Wm. Dishon, on his contract to build a new court house at Marietta, to the tune of \$26,000. Dishon went to New York and sold the county bonds for goods, instead of doing as he contracted, to use the money in building the court house. This injured Marietta, and it was used in many an ingenious manner by her enemy, when the whole matter came up at the June term of the supreme court; also at the December term following, and a decision was finally given in favor of Marshalltown, which virtually ended the contest. Upon summing up the case, an impartial witness of this conflict could not help but rejoice that it was ended. Bitter hatred had been engendered,—there was great expense on both sides.

William Penn. Clark was the counsel for Marshalltown, in the supreme court; Judge Cole, for Marietta.

After the decision in the case had been rendered, the county officers at Marietta gracefully "came down," like Davy Crockett's coon, and, on the last day of December, 1859, brought the records down on an ox sled, the mercury ten degrees below zero. The new year dawned upon the glad village of Marshalltown when the joyful news went out that the scepter had changed hands to last forever.

A New Year's supper was given to Marietta, and her citizens were welcomed at the banquet with a cordiality most pleasing and hearty. Some were sullen, and defiantly staid at home. But fates were against them. Stores, houses, etc., followed in a successive flight to Marshalltown, and the death-blow was given to Marietta, where dismantled she stands, a monument of hopes wrecked in corner lots. Most of the officers who lived in Marietta were re-elected as a salve for all wounded feelings on their part, and this bitter controversy has been entirely forgotten for a long time, or only to be remembered jokingly, as each side recounts his or her particular conflict with the enemy.

Marshalltown has increased her population to 5,000 inhabitants. Two railroads give her good facilities for trade; a splendid water power in the Iowa river enhances her manufacturing abilities; the densely populated country around makes her one of the best depots for trade in Central Iowa. Marshalltown has many enterprising citizens, among them Hon. Delano Smith, Hon. T. Brown, B. Clark, esq., Dr. McBride, and J. D. McCord, who are public-spirited men, and have accomplished a great deal for her present prosperity.

Marshall county is one of the central counties in Iowa, and is divided into eighteen townships. It is twenty-four miles square, and contains 368,640 acres of magnificent land, with scarcely a foot that cannot be cultivated, excepting where there is running water. With these advantages she presents a prize to every farmer coming from the east. Marshalltown has seven churches, factories, mills, splendid residences, and the machine shops are soon to be erected for the Central railroad. With these few statistics, we close our very imperfect sketch of Marshall county.

A FOUL MURDER AND NOBODY KILLED.

BY E. W. EASTMAN, ELDORA, IOWA.

THERE has been and now is in Iowa, and in fact in most new states, much opposition to the old system of grand juries, and also to some of the long established rules of evidence in criminal trials. Frontier people are active and impulsive. They think quick, judge quick, and contract quick or not at all. They are here to-day and to-morrow they are westward, ho! with the star of empire. Hence, in legal tribunals, they dislike the slow, formal process of a grand jury, and technical rules of evidence. They want to try the case while the fever is up, and upon such evidence as appears *to them* to be good,

and then be at something else. With them, a *confession* is better than the testimony of an eye-witness.

These forms were of slow growth, and established for personal protection in the long struggle between tyrannical government and impulsive barbarism on the one hand, and individual protection on the other. Cases frequently occur which prove that these formalities are as necessary now for individual protection as when first established. In case of trial for murder, in addition to the grand jury process of first finding a bill of indictment, it has been a long established rule of evidence, that the prosecution must prove that the human being charged to have been killed *is dead*. This fact can be proved only in two ways,—first, by some one who *knows the fact*; or, second, by the confession of the accused. Impulse wants nothing better than a *full, clear confession*. It is then ready to abandon the slow grand jury work, or any other very formal trial, and proceed at once to pronounce sentence. And yet this evidence is very unsafe, and really *insufficient*, to establish the fact that the missing person *is dead*. The old technicalities of an indictment, and of specific proof, were not adopted without a reason, and that reason is as frequent to-day as when first adopted.

In the fall of 1848, a man by the name of Nisely came to my office in Oskaloosa, in this state, and stated to me that he was from Missouri, and had some two or three bushels of apple seeds, and was desirous of starting a nursery, and desired my assistance to procure suitable ground. He appeared rather timid, was rather visionary and eccentric, and withal, not very intellectual. While I was trying to arrange for him, he put out and left me to finish the matter up alone. I next heard from him in Jasper county, where he had taken a "claim," and was putting out his seeds in the vicinity of a family of Hamlins, a father and three grown-up sons. This was in the days of "claims," and Hamlin had a claim and improvement on a half-section. I might as well here explain, that by the then statutes of Iowa, a man could take possession of a piece of government land, and improve it, and live on it,

and hold an interest in the land equal to the value of his improvements. This possession was called a "claim."

Nisely boarded part of the time with the Hamlins, and changed work with them at times. A little "unpleasantness" sprung up between one of the young Hamlins and Nisely, in which some pugilistic demonstration was made by Hamlin, whereupon Nisely left them and went to board at another place. The next Sunday the parties met again, and some unpleasant words passed. Nisely was seen by some persons conversing with the Hamlins. The next day Nisely was missing. Some few days after this, John Hamlin, the youngest boy, aged about seventeen years, and the one who had quarreled with Nisely, was seen with Nisely's hat on, and soon after was seen wearing Nisely's coat. Some inquiry was made about Nisely, and no satisfactory account given by the Hamlins. Perhaps it will be as well to hear say that the Hamlins were beginning, by the three or four families then residing in that part of the county, to be considered rather rough specimens of humanity, and, like an egg in hot water, fast growing harder.

It was soon whispered about among the fifteen or twenty families then in the county, that Nisely had been foully dealt with. In fact, suspicion said Nisely had been murdered, and John Hamlin was wearing the murdered man's clothes. John was arrested, and, not giving a satisfactory account of the whereabouts of Nisely, or how he came by Nisely's clothes, he was committed to the jail at Oskaloosa. The jail was in the first story of the building, and was not enclosed. The windows were grates without glass, through which persons could converse with the prisoners at all times of day and night.

The excitement increased and spread to the adjoining counties, and people gathered in about the premises of the Hamlins, and took counsel together. They said to the Hamlins, in language which could not be misunderstood by frontier people, "Where is Nisely?" It meant, produce him, or speedy justice is right here. They could not evade the ques-

tion nor quit the county. And, knowing well that frontier people could not be trifled with, they made a clean breast of the whole matter, and *confessed that they had murdered Nisely* on the fatal Sunday night of his exit.

John was thirty-five miles away in jail. But in the meantime he was interviewed by night through the jail windows, and he also confessed the murder of Nisely, and it was said without knowing that the others had confessed.

Upon these confessions the other three Hamlins were arrested; and a Mr. Smith, who also was beginning a nursery near by, and was supposed to have some interest in getting Nisely out of the way, was also arrested. A messenger was sent to Oskaloosa for me to go up to Newton and defend the Hamlins. The word got to me some time the third day after the arrest. I got off in a short time. Just as I was starting, Mr. Perkins came to me and said he had a pair of duelling pistols lent up at Newton, and desired me to bring them down. On my way up, just before I got to Newton, I met a man with the pistols, going to carry them home, and he desired me to take them, which I did. They were ugly customers, about ten inches long, rifled-barrel bruisers, fixed with a hook to hang upon the waistband, so as to carry the muzzle down inside the pants and the butt under the vest. We discharged the loads and I *hung them in*. It was the first and only time I ever carried concealed weapons; and, in fact, these were not *concealed*, for the heavy, dangling things pulled my pants down so as to leave what a sailor would call a *wale streak*, two inches wide, between my pants and vest, across which the two barrels extended. It felt very comical, but I suppose it looked *brave* in those days.

On arriving in Newton, I found the senior Hamlin nominally in the custody of one Josiah Dooly, high sheriff of Jasper county, but really in the custody,—or rather at the disposal,—of the people there assembled from the adjoining counties. The first words of Mr. Hamlin to me were, “I am glad to see you. I will give you my ‘claim’ and all that I have if you will only save my life. I am willing to go to prison and

work faithfully all my life, but I don't want to be hanged.' Seeing he was a little nervous, I replied, "You are not in a condition, now, Mr. Hamlin, to make a contract. I want first to talk about the case." Several persons crowded up to hear. "Oh," he said, "I am guilty as hell, but I don't want to be hanged." I presently got him aside from the people, and said to him, "Where is Nisely now?" He replied, "I don't know; the boys put the body out of the way." Then turning his head a little and pulling down his collar, he said, "See my neck. They have been hanging me to make me tell where the body is,—but I don't know." His neck was somewhat lacerated, and badly swollen, and his head somewhat canted to the left shoulder.

I spoke with Mr. Smith, and was informed that he had been discharged by the justice, but had not got leave of absence from the people. I inquired for the two young Hamlins, and then learned that the body of Nisely was still missing,—that the Hamlins, after making the confession of the murder, had given very different and contradictory accounts of the disposition made of the body. One account located it in one of Hamlin's stock wells, then out of use, with some rubbish over it; another, in a swampy marsh in Skunk Bottom; another account was that it had been burned on a large sand-bar in Skunk river, and the charred remains raked into the water. Parties were then out with the young Hamlin in search of the body.

The body not having been found in any of the places named, the rope and the lash were both brought in to assist in the search. Nathaniel had been hanged by his thumbs till both were pulled out of place, and the lash applied to his back till the hot blood coursed down over his heels to the ground. The old man had been strung up by the neck till he became willing to give me all he had to save him from a second introduction to the horrors of again using tight hemp for a neck-tie.

I went to the justice's office to examine the papers and prepare for the trial of the three Hamlins. I was quite

coolly informed that it was no use to see the papers. "We thought it best to try the case *without any lawyers*, and we tried the case directly after you were sent for; and I have found them guilty and ordered them to Oskaloosa jail. But the sheriff is keeping them to make out some more evidence against them."

I then called Mr. Hamlin a little to one side on the prairie, and was conversing with him when Mr. Sheriff Dooly rather nervously stepped up and said, "See here, Mister, I reckon I have a right to know what you two men are saying." I replied, "I reckon ' it is none of your business what we are saying. But I was saying to Mr. Hamlin that I would have you in the state prison before three months for lynching him." "Why," said he, with a stare of apparent surprise, "do you reckon I am liable?" "I know you are, sir; and if you do not hurry off in quick time with these men to jail, I will have you arrested as soon as I can make out the papers. You are high sheriff of Jasper county, and it is your duty to protect these men at the risk of your life. State's prison is hungry for you now, sir." By this time several people had gathered round to hear what was being said. Dooly looked at me first up and then down, and then turned away. The Hamlins were soon after on the road to Oskaloosa jail. I afterwards learned from Dooly that on my first arrival there, those empty, innocent *pistols* had been observed through the open streak between vest and pants, and upon a little discussion it had been decided that they meant *business*, an idea which had never occurred to me, and was why they concluded best to take the Hamlins to jail.

The district court was soon after in session in Oskaloosa, and Henry Temple, an attorney in Oskaloosa, and I took all the Hamlins out of jail on *habeas corpus*, and had them all discharged, because there was no legal evidence that *Nisely was dead*, or, as the law calls it, there was no *corpus delicti*; the confession by the Hamlins of the killing not being competent to prove that *Nisely was dead*.

It afterwards turned out that Nisely, through fear of some

physical harm, had absconded in the night, and abandoned his claim and nursery, and had left some of his clothing. The Hamlins had no knowledge whatever of his intention to leave or where he had gone. But finding him missing, they had appropriated his clothing and made some demonstration towards taking his claim.

No one could account for the confession of the murder by the Hamlins, and especially by the one in jail. Those out of jail did not retract their confession to me, as their counsel, till several days after first seeing them. Had the grand jury system been abolished, and these men hastily tried on the evidence of their own confessions, they would all have been punished for the murder. These confessions were somewhat of a kin to the Salem witchcraft confessions — those who made them could not account for doing it.

In conclusion, I may as well here add, that the Hamlins afterwards cheated me out of my fees. The *moral* to this is, that when a lawyer has a chance to *secure* a good fee from a slippery client, *his better way is to do it at once*, and work up his case afterwards.

RECOLLECTIONS OF THE EARLY SETTLEMENT OF NORTH- WESTERN IOWA.

BY N. LEVERING, GREENWOOD, MO.

(Continued from page 523.)

ON the 13th day of October, 1856, I. T. Martin, Braden Videto, J. McGill, and others, from Harbor Creek, Pa., arrived at Sioux City. They were all active, energetic, and intelligent young men, who came to the north-west to seek homes and carve out fortunes. They remained in Sioux City during the winter. While there, Mr. Martin and C. Throop erected a store house in Pacific City, a town on the Nebraska

side of the river, and in close proximity to Covington, heretofore spoken of. This town was laid out by Dr. Hunt and J. Holman, of Sioux City, Dr. Gray, of St. Joseph, Mo., and others. The store house referred to was the first building of the kind erected in the town.

Notwithstanding the severity of the weather and intensity of the cold, these hardy young men, with many others of Sioux City, labored all winter in cutting cord-wood and saw-logs on the Nebraska side of the Missouri river, where for thirty consecutive days, according to a register of the temperature of the weather, kept by Mr. Martin, the mercury stood 30° below zero at sunset, and on one day it ran down as low as 40° .

In the spring following, I. T. Martin, B. Videto, J. McGill, and John Hipkins and family commenced a settlement in Big Sioux valley, in Plymouth county, Iowa. They erected two houses—one for Hipkins and family and one for the young men, who kept “bachelors’ hall.” About the first of July following they laid out a portion of their land into a town, calling it “Westfield,” which they regarded as the future metropolis of the Big Sioux valley; but in this we think they have been disappointed.

On the last day of the same month (July), Martin, Videto, McGill, Moody, with five others, started on an exploring expedition to the “Black Hills.” They proceeded as far as the “Kehopa,” a small tributary of the “Running Water” river, when Moody accidentally shot himself through the arm, causing a very dangerous and serious wound. There being no surgeon in the company, and none nearer than Ft. Randal, a distance of about eighty miles, the weather being extremely warm, they determined to make all possible haste to Ft. Randal with their wounded comrade. Binding up his wounds in the best manner their circumstances would permit, they set out for the fort, traveling night and day, only halting for a short time for their jaded team to recruit their failing strength. Arriving at the fort, Moody was placed in the hands of the surgeons at that post, who were Drs. Magruder (brother of rebel Gen. Magruder) and Madison, who at once dressed his

wounds, rendering him every attention in their power. The party now abandoned their journey and returned home, leaving their wounded comrade at the fort, where he remained in charge of the surgeons for two years, less twenty-one days, when he returned to the house of Martin & Co., on the Big Sioux river. He had not fully recovered, as he was yet lame; he was also penniless, and an object of charity. Martin received him very cordially and made him quite welcome to the hospitalities of "Bachelors' Hall." Moody remained there during the fall and winter, at the expense of Martin. On the 14th of February, 1860, Martin left for Des Moines as a delegate to the Douglas state convention, leaving Moody in charge of all his effects, as Videto and McGill had returned to Harbor Creek, Pa. After the adjournment of the convention Martin continued his journey to Pennsylvania on a visit to his friends. Soon after arriving there he was taken ill, which detained him for some months.

Now for a piece of base and cold-hearted ingratitude, as the sequel will show. In the latter part of the spring following Moody sold a quantity of grain, household furniture, &c., belonging to Martin; and feeling disgusted, no doubt, with a life of celibacy, and feeling fully competent to support a wife, he resolved to take to his bosom a companion, and as "men were plenty and women skerse," he determined to purchase the heart and hand of one of the dark-eyed maidens of the forest, whose appreciation of the matrimonial state, or an alliance, was about commensurate with his own. Accordingly, he went to the Yankton Sioux agency, in Dakotah territory, where he purchased a squaw wife. Their honeymoon did not wax, but waned, for, after he had lived with her a short time, he became anxious to see more of the far west, and, yielding to the spirit of emigration that had seized upon him, he took Martin's team (one yoke of oxen), wagon, ropes, chains, bedding, provisions, proceeds of property sold (not invested in squaw), and \$40 township funds, drawn on account of Martin as township clerk, with many other goods not here mentioned, and bidding his dusky dulcinea adieu, he left for "Pike's Peak."

Such was the shameful ingratitude that Martin received from one whom he for months had nursed and cared for in adversity, want, and distress. Well might we liken the base ingratitude of many heartless men unto the deadly poisonous serpent who was found by a kind-hearted man in his wanderings, chilled and nearly frozen to death, who took it up, carried it home, and laid it upon his hearth, and when warmed into life it plunged its deadly fangs into the very hand that saved it.

In the fall of 1858 Plymouth county was organized. The election, or organization, was held in Sioux City. Vanolinda was elected judge, I. T. Martin, treasurer and recorder, and Mr. Mills, sheriff. Judge Vanolinda held his office on the Floyd river, in the middle or eastern part of the county, while Martin and Mills held theirs in the Big Sioux river valley, in the extreme western portion of the county. The same fall a township election was held at Westfield, when I. T. Martin was chosen township clerk. There were sixteen votes cast at that election, more than for a number of years after.

Westfield was abandoned in the spring of 1860, soon after Martin's return from the east, chiefly on account of large selections or entries of lands made in that vicinity by half-breed Indians, with half-breed script, which greatly retarded the settlement. Mr. Hipkins and family soon after returned to Sioux City. Mr. Martin now resides in Davenport, Iowa, and is the state agent of the well known and popular Northwestern life insurance company of Milwaukee, Wisconsin.

It was in the fall of 1859 (if I mistake not) that Barney Roney, an Irishman, and family, from Sioux City, who had settled at a point in the Sioux valley, a few miles south of Westfield, the previous year, got into a difficulty with one Brookins, an old sailor, who had taken a claim near Roney's, and at the time was assisting Roney in cleaning some wheat. Both of them had been drinking freely, when an altercation arose between them about the division of some wheat, which finally resulted in blows, when Brookins stabbed Roney with a pocket-knife, if I mistake not, which soon resulted in the

death of Roney. Brookins was at once arrested. There being no jail in Plymouth county, he was brought to Sioux City jail, where he remained for some time before his case came up for trial. Both of these men were kind-hearted and clever men when sober, but when under the influence of liquor were rather boisterous. Brookins's case came up at the fall term of court for trial. The prosecution was conducted by How, of Dickinson county, the state's attorney, assisted by some able counsel, and the defense by W. W. Brookins (now one of the associate judges of the United States court of Dakota territory), brother of the prisoner. The case was tried at Sioux City, Judge Hubbard, presiding. The trial excited much interest. When the case was submitted to the jury, they were out about twenty-four hours before they could agree upon a verdict. They finally agreed upon a verdict of manslaughter. The prisoner's counsel made a motion for a new trial, but the motion was not sustained by the court. The prisoner was sentenced by the court to ten years (I think) hard labor in the state's prison. Soon after the adjournment of court, the authorities of Plymouth county employed one G. W. F. Sherwin, of Cherokee county, to take the prisoner to Fort Madison and deliver him into the hands of the warden of the state's prison, for which service he was to receive \$100. He, however, managed to get his pay in advance. Taking his prisoner he set out on his journey, going up the Floyd river some eight or ten miles to the house of A. C. Sheats, where he stopped for the night. The prisoner was unshackled, and free to walk about the house at pleasure. Sherwin manifested, by his actions, great confidence in the prisoner's willingness to accompany him to the gloomy walls of the prison. Accordingly, he walked with Mr. Sheats to the barn, leaving Brookins seated at a table writing a letter. Soon after Sherwin and Sheats had left the house, the prisoner got up, walked to the door, looked out, walked back again, and resumed his writing, while Mrs. Sheats set about getting supper,—when all of a sudden the prisoner concluded to travel alone, and set out on a long and lonely race, leaving Sherwin to care for himself

and without even leaving his card or place of destination. When Sherwin returned to the house and found the prisoner missing, he blustered about for a short time in search, apparently, of him. The search was soon abandoned, and Brooks left to go his way rejoicing in his liberty, and no doubt feeling grateful toward his custodian for the glorious privilege of once more enjoying the fresh air of heaven. He did not report himself to the warden of the state's prison, or his whereabouts to the authorities of Plymouth county, so far as known, but it is presumed he is again a jolly tar on the high seas. His *faithful* custodian resumed his journey the next morning, with the consolation that he at least had made one soul happy. Sherwin continued his journey east to Harbor Creek, Penn., where he has since remained, and leaving the public impression behind him that he had premeditatedly planned the escape of the prisoner after securing his pay from the county.

In the fall of 1858 the counties of Sioux and O'Brien were organized by a band of schemers from Sioux City, who came west for the purpose of making a raise in some shape. The "*Ne plus ultra*" of these sharpers was one J. W. Bosler, of Carlisle, Pa. In order to effect their object under the semblance or shadow of law, they employed men at twelve dollars per month and board to camp in those counties thirty days, so that they might claim citizenship and elect the sharpers to office. At the expiration of the time an election was held, and officers elected, all of whom, or nearly so, resided in Sioux City. The hired voters were then discharged, and returned to their homes. The election returns were made to the county judge of Woodbury county (who was cognizant of all the facts) and an organization was granted. This being accomplished, a system of plunder was commenced by levying enormous taxes on the lands in the counties, a heavy school and school house tax was levied when there was not a scholar in the county; bridge, road, and court house taxes were levied, when neither were built for years after. This revenue,—all except the state tax,—went into the pockets of these land pi-

rates, and yet it was not sufficient to satiate their morbid thirst for gain. By an act of the legislature, the swamp lands were donated to the counties in which they lay. In the selection of swamp lands, much of the driest and best land in the county was returned as swamp land, and as soon as the counties had secured their title to them, they were thrown upon the market at prices from twenty-five to fifty cents per acre. Some of the party were delegated to go east into Illinois, Indiana, and Ohio, and make sale of these lands at some price — if not for money, goods or trade of some character. The result was, the agents soon returned with many horses, wagons, sewing machines, &c., which they bartered off, pocketing the proceeds. Not yet satisfied with their plunder, they issued several thousand dollars of county bonds, levying a bond tax to meet the payment of these bonds. Some of the band were then delegated to go to Chicago and elsewhere and dispose of the bonds, many of which were sold in Chicago at a small discount, which greatly increased the coffers of these swindlers, who soon made independent fortunes, and, selling out their interest, they went into the banking or some branch of mercantile business, and are now numbered among the heaviest capitalists of the north-west.

This system of swindling was not confined to Sioux and O'Brien counties alone, but it was carried on in nearly all the counties of Northwestern Iowa that were organized prior to the year 1859, as thousands of tax-payers can testify. Suits were instituted in the district court against some of the county officers, but they, having the power to manufacture county warrants, were able to fee the best attorneys in the county, and by their sharp practice the ends of justice were thwarted. An appeal was made to the legislature for redress, and during the session of 1860 a bill was presented, the object of which was to investigate the official acts of some of these newly organized counties; but the majority of the members were of the opinion that they could not investigate the acts of one county without investigating all others. This was the ground assumed — at least by the members from these spuri-

ously organized counties — and the bill was defeated. The days of sharperism in those counties have passed, we trust, and the affairs of these counties are now managed by actual settlers who are honestly chosen by the teeming hundreds of honest citizens who are breaking the virgin soil of the broad and fertile prairies that are yielding, in great abundance, the luxuries of life, and who are not wringing their wealth from the honest tax-payers, but wring it from the rich earth.

[TO BE CONTINUED.]

LAW MINISTERS OF THE OLDEN TIME.

BY HAWKINS TAYLOR, WASHINGTON, D. C.

ON the 4th of July, 1836, the territory of Wisconsin was organized. Henry Dodge was appointed governor; Charles Dunn, chief justice; David Irwin and ———, associate justices; ——— Slaughter, secretary; W. W. Chapman, district attorney, and Francis Gehm, marshal of the territory. Dodge, Dunn, and Irwin were citizens of that part of the territory east of the Mississippi river, and Chapman and Gehm of what is now Iowa,— Gehm living at Dubuque, and Chapman at Burlington. At the organization of the territory, the only counties west of the Mississippi were Dubuque and Des Moines. At the session of the legislature, held at Belmont that winter, there were created, out of Dubuque, the counties of Jackson, Clinton, Scott, and Cedar; and out of Des Moines, the counties of Lee, Van Buren, Henry, Slaughter (Washington), Louisa, and Muscatine. David Irwin was assigned to that part of the territory, and, in company with Charles Mason, went to Burlington in the spring of 1837, and settled the place now occupied by Judge Mason. Irwin was originally from Virginia, but had been appointed a judge for the territory of Michigan, and presided in that part of the territory now Wisconsin. Judge Irwin was a man of ability, without

the ordinary vices of that day; he decided promptly and correctly. Few, if any, better judges ever presided in that district. He was, and is, a bachelor, now living in Texas. When Iowa was made a territory, Irwin went back to Wisconsin and remained on the bench until 1841, when he was removed by Gen. Harrison, as President, and went to Texas, where he has lived since; he was a hard rebel during the war, and is a democrat now.

The first court in Lee county was held at Fort Madison on the 27th of January, 1837. David Irwin, judge; W. W. Chapman, U. S. district attorney; Francis Gehm, marshal; Joshua Owen, sheriff. The judge appointed John H. Lines clerk of the court. The grand jury at that time were, Isaac Johnson, John Gregg, Isaac Briggs, E. D. Ayres, Wm. Anderson, Samuel Morrison, P. P. Jones, Wm. Richards, Henry Hawkins, George Herring, Richard Dunn, Edwin Guthrie, Jesse Dickey, C. E. Stone, David Weight, John Stephenson, George W. Ball, Benjamin Brattain, Joseph Skinner, Garret J. Woods, John R. Shafer, James McClenny, and Samuel W. Weaver. The judge decided that the jury was illegally summoned, and there was no grand jury at that term, and little business done.

August 28th, 1837, the second term of court was held — the same officers of court as at the March term. Samuel Ross, Jesse Wilson, P. P. Jones, John Gregg, Campbell Gilmore, Jesse O'Neil, John Box, Wm. Tyrell, Lorenzo Bullard, Leonard B. Parker, John G. Kennedy, Abraham Hundaker, George Herring, Wm. Anderson, Benjamin Brattain, E. D. Ayres, Henry Hawkins, Johnson J. Thacris, John Stephenson, Aaron White, Jos. Skinner, Jos. S. Douglass, and Thos. Small, jr., grand jurors. E. D. Ayres was made foreman of the grand jury, and Philip Viele prosecuting attorney. During the term there were about two hundred bills of indictment found, but they were all demurred out of court, so that no convictions followed the wholesale action of the grand jury. Of the officials of these first courts, Chapman, after being the first delegate in congress, went to Oregon, where he now re-

sides. Gehm, the marshal, is dead. Owens went to California, where he resides as a respectable, good citizen. Lines, the clerk, after holding the clerkship of the county for many years, went to Oregon, where he died in a few years time, leaving his family comfortable so far as the things of this world are concerned. Of the grand jury, Gregg, Briggs, Stephenson, Brattain, White, and Ross, all went to Oregon; Ayres, Anderson, Hawkins, Herring, Dunn, Guthrie, McClenny, Parker, Hundaker, Douglass, Wilson, Gilmore, O'Neil, and Small, are all dead. Douglass, one of the brightest minds in the territory, was blown up on the Moselle on his return home from the inauguration of President Harrison, in the spring of 1841. He was to have one of the land offices at Burlington, and had he lived, would no doubt have been one of the leading men of the territory and state. Others of the members may be dead. Stone is a lawyer at Council Bluffs, and Wright still lives at West Point, and is as full of democracy now as then. Many of the parties named have changed their politics several times since 1837, but not so with David. I think it safe to say he has talked more unadulterated democracy in the thirty-four years since the meeting of that grand jury than any other man in the state. Capt. Guthrie, one of the noblest spirits that ever breathed, was killed in Mexico during the Mexican war. Guthrie was for many years a justice of the peace. His first commission came from the governor of Michigan territory, then from Governor Dodge, then from Governor Lucas, but all the time living and acting in the village of Fort Madison. I never knew what the captain's religious sentiments were, if he had any, but he drank no liquor, he did not gamble, he was always polite and manly, and moral courage itself. When trying a case, no man ever failed to get justice from Squire Guthrie because of his poverty or unpopularity, and no man ever got more than justice because of his wealth or position in society. He hated slavery, and loved justice and freedom. These qualities made him popular with all good men, but the very reverse with another class that were far too numerous at that

day, as well as now. But the captain loved to fish and shoot above almost any man that I ever met,—and Sunday being a leisure day, he too often would slip down into the bottom below town with his fishing-rod or gun, to fish or shoot ducks or prairie chickens. This distressed the church-going people so that at each time that his commission was to be renewed, there would be gotten up a strong remonstrance against his re-appointment, that would be signed by the worst and best classes of society, if the whisky-drinking, gambling fraternity, and the zealous churchmen are to be taken as the worst and best of society. But the middlemen always kept the captain in office as long as he wanted it. The captain was almost equal to Mr. Lincoln as a joker, often telling stories at his own expense. While the captain was justice of the peace he also acted as deputy county clerk occasionally, when the clerk was absent. One day when the clerk was absent a man by the name of Tungate came into the office, and called for a “pair of licenses” for a young man by the name of Mann and a Miss Brewer. Guthrie inquired into the case, and to make the matter sure, he made Tungate file his affidavit that the parents of the girl had given their free consent to the match, when he issued the license and promised to go down and marry the parties at four or five o’clock that afternoon. Brewer lived a few miles below town. At about 4 P. M. the squire took his dog and gun and started to the wedding, proposing to kill a few ducks on the way. Just as he got to the lower part of the town, he saw Tungate coming up the road in full run. The squire, supposing that something had happened to put off the wedding, stopped, but as soon as Tungate got within hallooing distance, he cried out, “Come on, come on — all right now; they have given their consent.” When Tungate got his breath so that he could explain, it came out that Brewer and his wife had refused to give their consent to the match, until Tungate produced the license, when thinking that further opposition was useless, they gave their consent.

The jail in use at that time was a little log house on Elm

street, near the upper square, belonging to Henry D. Davis. Davis was a shoemaker, and used the jail as a shop, as well as renting it to the county. At that time the two hardest cases in Fort Madison were Jim Clark and Joe Morehead, both big, rough, drunken, dangerous fellows, and all the time in some sort of a scrape, and often in jail; in fact, to be in jail suited them well, for it gave them board at the county's expense, and they could go in and out as they pleased. On one occasion when Morehead was boarding at the jail, he cut up into all sorts of shapes, entirely destroying, the stock of leather that Davis had on hand. The next morning, when Davis went to his jail shop, he found his leather entirely destroyed. Morehead showed him the pieces as cut up, and inquired what sort of shoes he could make out of them. But Davis had no remedy. He could not prove that Morehead had destroyed his leather, and if he did, he had no business to use the jail as a shop. As before said, Squire Guthrie was no favorite with the rowdies. One day Jim Clark came and demanded a writ of ejectment against Joe Morehead. Guthrie had committed Clark to jail for some offense, and a few days later he had committed Morehead; and when the constable put Morehead in Clark went out, and demanded of the same justice that had committed them both, a writ of ejectment against the new comer for "jumping his claim," a squatter phrase of that day. Guthrie ordered Clark off, telling him to go back to jail, where he belonged. Clark went off and got from one of Guthrie's enemies the necessary fee for the writ, when he went back and tendered the money for the writ, when the squire again refused to issue the writ, and ordered Clark off, when Clark stepped outside of the door, swearing terrible oaths and threatening what he would do then and there if the writ was not issued at once, and for the purpose of carrying out his threat he commenced unbuttoning his clothes, when the squire took up a good hickory club, well selected for defense and the enforcement of the law, and with both hands belabored Clark until he hallooed "murder," "murder." By the time help came his head was completely

covered with cuts, bruises, and blood. Guthrie was arrested for assault and battery, and taken out five or six miles for trial. The trial lasted several days and was prosecuted with much bitterness by the enemies of Guthrie, and defended with great earnestness by his friends. Squires Briggs and Ross tried the case. Judge Viele prosecuted, and Henry Eno defended. The court acquitted Guthrie, deciding that the statute administered was not recognized by all the courts, but that its application as administered, and under the circumstances, was admissible and appropriate, and well calculated to be useful. Guthrie had no further trouble with the roughs—they found out that the “Yankee” would fight, and that fully satisfied them.

April 2d, 1838, the third and last term of court held in Lee county while a part of the territory of Wisconsin, was commenced in Fort Madison. The same Judge and other officers as at the previous terms. The grand jurors were, Theophilus Bullard, Jas. McAleny, Joseph White, Abraham Hundaker, Robert Herring, Jas. T. Dinwiddie, Wm. D. Knapp, Joseph Woods, Isaac Johnson, Charles M. Jennings, John Granter, Jesse Dickey, Henry D. Davis, John Gregg, Jefferson Chitwood, Wm. P. Hoagland, Lewis Pitman, Alfred F. Kenneday, Benjamin Thomas, and Hawkins Taylor. The lawyers in attendance at that court were, J. W. Woods, David Room, Henry Eno, M. D. Bendney, James W. Grimes, and Franklin Perin. Isaac Van Allen, now of Peoria, Ill., was admitted as a member of the bar at that court. At the suggestion of Judge Viele, the prosecuting attorney, Jas. T. Dinwiddie was made foreman of the grand jury. Dinwiddie was a hard working blacksmith, living a few miles below town, an honest man, a Kentuckian by *raising*, a man of powerful will and constitution, a good fighter, and was able to manage a large supply of whisky, and still wield the sledgehammer; but when the jury retired to the garret of the “Madison House,” where court was held, the foreman had much more than his usual supply. Maj. Herring moved that Hawkins Taylor act as secretay for the jury. This the fore-

man took as a direct insult, and declared that he could do "all the writing needed by the jury," and at once demanded that if any one was to be indicted, "bring them in." The first case presented was the steamboat Bee. The offense was the taking off the old man Kellogg, deputy sheriff, who had gone on board at Fort Madison to serve an attachment on the boat, when the captain cut his line and backed out, and took off the officer, carrying him down to Warsaw, and then only running near enough to the shore to let the officer jump off. Kellogg was a weakly, timid, good old man, When he appeared before the grand jury, the foreman took his pen and *marked* down the case, and then turned to the witness, and with great earnestness, said, "*Where is the steamboat Bee?*" To this the witness could give no positive information, as he had not seen her since the previous fall. The foreman then said bitterly, "If you want the steamboat Bee indicted, *bring her up here, bring her up here.* She may be gone to the devil, or she may be gone to Texas,—if you want her indicted, *bring her up here,*" and at once commenced to tear up the memorandum that he had made, saying, loudly but to himself, "No bill, no bill," and then turned to the witness and said, "You may go;" and he went, apparently, with about as much feeling of relief as when he escaped from the steamer the fall before. Several other cases were brought up and disposed of by the foreman in the same summary manner, one being a case of James Fike, for an assault with intent to kill, made on George Perkins, a peaceable, good citizen. In this case the foreman found a true bill. The next morning sentinels were placed below town to meet the foreman, and get him into the jury room before he had an opportunity to take more whisky than he could manage. The plan was successful, and after that there was no trouble with the foreman. But there were many amusing incidents that took place in the jury room. Amongst them, Henry D. Davis, who was a member of the jury, tried to indict Morehead, who had, while in jail, cut up and destroyed his leather, for breaking jail. Davis proved, by Isaac Johnson, another juror, that

Morehead was in the habit of crawling into the jail at night; in fact, that he went out and in when he wanted to. There were about sixty bills found by this grand jury, mostly for gambling. All of the bills were decided, on trial, to be defective. I believe that *no single* indictment found in Lee county up to the organization of Iowa territory, was sustained by the court on trial; but it was about as well as if they had been good. There was no penitentiary in the territory, and no place to keep criminals, and those indictments caused many to run off to where they had both jails and penitentiaries; and in those days Judge Lynch held court occasionally. In his courts there was no demurring to indictments, and so seldom mistakes in his rulings that there was a very wholesome dread amongst the worst class of criminals to coming into that popular court.

THE EARLY BAR OF LEE COUNTY.

[The following interesting sketch of a Court Scene in the pioneer days of Lee county we reproduce from the *Daily Constitution*, of Keokuk, in which able journal it appeared some months ago.]

THE traveler through Keokuk, as he views its superb private and public buildings, and notices the thick stream of human beings who throng its streets and marts of commerce, can hardly realize that thirty years ago nearly all the ground of Keokuk was covered by a dense growth of bushes and trees, and that the most important character then of the place, financially considered, was a wood dealer; one who had erected a log hut near the river, and there kept a wood-yard, selling occasionally a few cords to the few steamers which then ventured on the waters of the upper Mississippi. Yet such was the fact. The wood dealer referred to was a Yankee, who could turn his hand occasionally to any sort of business that would earn a penny; and he had managed by some means to become the owner of what was called in the

language of those days a "blanket title," to a portion of the "half-breed tract." That sort of a title usually cost a blanket, paid to some drunken Indian or half-breed; and though it had merits sometimes, yet usually was good for nothing.

But to return to our wood cutter. He sold his blanket title to the then clerk of the district court at Fort Madison, for eight hundred dollars, and took his note therefor upon six months time. When pay time arrived, the clerk refused to pay the note, on the ground that the title bought was valueless, and the note was obtained by the fraud of the wood cutter. This led to a law suit in the district court at Fort Madison, and the wood dealer had Hon. P. Viele, for his attorney, and the clerk had Miller and Gilbraith (D. F. Miller and W. H. Gilbraith) for his attorneys. Charles Mason was judge, and the case was one of the first issues submitted to a jury. The evidence of the witnesses being conflicting the trial was severely contested. The lawyers of Lee county, who have come here in late years, can hardly realize with what zeal, enthusiasm, and *sometimes* bitterness of debate, lawyers fought over their cases thirty years ago. The county was new, the lawyers were mostly young, and the struggle was, which among them should be enabled to secure the best legal character. They were fighting for place and reputation.

But to return to our law suit. When the evidence was all in, and the case ready for argument by the lawyers, Miller whispered to his partner, that their client was beaten unless plaintiff's attorney (Viele) made some mis-step in his argument of the case. Gilbraith took the hint, and being possessed of excellent speaking powers, especially in a case of severe criticism, and review of another's conduct, he pitched into Judge Viele's conduct as attorney for plaintiff, with severe animadversion. Viele showed signs of excitement during Gilbraith's excoriations, but husbanded his wrath for the concluding speech which belonged to him. When Gilbraith had concluded his remarks, Judge Viele commenced his concluding speech. His exordium was beautiful in language, though terrible in the denunciations of the opposing counsel;

but he was so much excited by controversy with the lawyers against him, that his argument was more declamation than solid reasoning, and fell much below his usual standard; for the Judge was usually an able debater. The exciting character of his speech, however, filled the court house with hearers who several times cheered the best of his periods. But we now come to the conclusion of the Judge's speech, which though touching in sentiment, yet as it was based in part on a mistake in fact, caused the Judge the loss of his case. The Judge pausing a moment, reached forward and taking his client (who was sitting near him) by the hand, raised him up, and standing him before the jury, said: "Here gentlemen is my client. He is an honest man, and his face bears the impress of his honesty. He is a hard working man, and his hands show his industry and his honest means of a livelihood. He has a wife and a large family of little children at his humble home in Keokuk, dependent upon his daily sweat and toil." As the Judge finished this period, his client stepped close to him and whispered, that he was not married. But the Judge had gone too far to retreat, and waiving his hand to his client indicative of a wish for him to step back, said to him in his usual bland voice, "Yes, my friend, it is all right; it will come out right." He then proceeded with his remarks to the jury as follows; "Yes, gentlemen, while I am addressing you, demanding justice at your hands for my client, at this moment, the wife and children of my client are standing at the doorway of their humble cottage home, with eyes strained up the road towards Fort Madison, looking for the return of the husband and father; and the first words that will greet my client on his return home, will be "husband," "pa," "have the court and jury at Fort Madison done you justice?" These remarks, delivered in a sympathetic tone, and with graceful gestulations, were greeted with a general buzz of approbation from the audience.

When the jury retired to consider of their verdict, it stood on its first vote eleven for plaintiff, and one for defendant. The eleven demanded of the one, why he went for defendant?

He told them that he had intended to go for plaintiff too, until he had heard Judge Viele's sympathetic appeal for the "wife and children," &c. "For," said he, "I know plaintiff well, and he has no wife nor children, and keeps '*bach*' in a log cabin; and as that statement of his lawyer was erroneous, I believe the whole claim is a fraud." This changed about half of the jury; and they disagreed, and were discharged. Before the next term of court, the Judge's client committed some act of "border warfare," somewhat common in Iowa, in those days, and fled the country, and neither he nor his note has since been heard of.

Ah! those were grand old days of pleasantry among lawyers of Iowa. But these resident lawyers who attended the Lee court in those days, Judge Viele, A. Rich, H. Eno, H. T. Reid, Ed. Johnston, D. F. Miller, W. H. Gilbraith, of Lee county, and M. D. Browning, D. Rorer, J. C. Hall, and H. W. Starr, of Burlington, and non-resident attorneys, who, also, sometimes attended the Lee courts, Cyrus Walker, O. H. Browning, and A. Williams, of Illinois, R. S. Blannerhasset, of St. Louis, Francis Key, of Baltimore, and — Walsworth, of New York, what changes has time made upon them! Several of the most eloquent have long since passed to the summer land; several have retired from the bar, oppressed with the weight of years; and those who still linger on this side of the river, are whitened with the frosts of age. A little while yet, and the pioneer lawyers of Iowa, like its "old settlers" in common, will belong exclusively to the history of the past; but the many anecdotes of their geniality, sociability, and forensic displays, will survive them and encourage those who succeed them, to rival their pleasantries, virtues, and honors.

REPORT OF CAMPAIGN AGAINST MAJOR GENERAL STERLING
PRICE, IN OCTOBER AND NOVEMBER, 1864.

(Continued from page 506.)

"BEING convinced of their intention to avoid a fight if possible, I determined to attack them at once.

"The 1st and 4th brigades were with me in the advance. I had directed the 2nd brigade to halt early in the day to procure forage for their horses to enable me to put them in the advance to press the pursuit at night; consequently I did not rely upon them to participate in the early part of the engagement.

"I had supposed that General McNeil's brigade of General Pleasanton's division was close up in my rear, and sent back to hurry it forward; while the 1st and 4th brigades of the 1st division were quickly deployed in line, and, under the cover of the fire of the 1st Colorado battery (McLain's) posted upon the bluffs, swept across the plain at a gallop until within musket range of the enemy's line. Skirmishers were rapidly deployed, and but a few moments elapsed until the engagement became general.

"I now ordered forward the 1st Colorado battery, which, with a section of howitzers attached to the 15th Kansas cavalry and under command of Sergeant Patterson of the 14th Kansas cavalry, poured a destructive fire into the enemy's ranks. It soon became evident that I was engaging all the available force of Price's army, which outnumbered me more than eight to one. Their superiority of numbers enabling them to press upon my flanks with a large force, compelled me to fall back about five hundred yards from my first line, which was done in good order, and the line re-formed in the face of a terrific fire. The enemy pressed forward their centre, but were promptly checked by the canister from the first

Colorado battery. It was now near sun-down, and my command had been engaged nearly two hours and their ammunition was nearly exhausted, while a large force of the enemy was passing under cover of a corn field around my left flank, and my force being too small to extend my line in that direction, I was about to direct my line to fall back and take position on the bluff, when very unexpectedly the brigade of General Sanborn, of General Pleasanton's command came up. I immediately placed them in position on my left, directing General Sanborn to dismount his men and advance through the corn field, which was promptly executed, repulsing the flanking column of the enemy, who now abandoned the field and retreated rapidly under cover of the night in the direction of Pineville, leaving their dead and wounded in our hands."

The General especially names Col. Ford, Lieut. Col. Hoyt, Major Ketner, of 16th Kansas, Captain W. D. McLain, of the Colorado battery, Lieut. J. B. Pond, 3rd Wisconsin cavalry, and Sergeant George Patterson, of the 14th Kansas, who deserve the high commendations he bestows upon them.

General Sanborn's report was made to General Pleasanton and published some time ago. It does not materially differ from the foregoing, and hardly does himself justice for gallantry on this occasion.

Lieut. Col. Hoyt commanded the 1st brigade, Kansas and Wisconsin troops who, behaved as usual, in the most gallant manner. Col. Ford commanded the 2nd brigade and reports concerning the battle as follows:—

"From this time (after leaving Fort Scott on the morning of the 26th) until the afternoon of the 28th we continued marching night and day, with but short halts and small feeds, following at all times the trail of the enemy. About 10 o'clock A. M., my brigade being in advance, we discovered the enemy's rear in the edge of the woods north of Shoal Creek. I sent two companies of the 16th Kansas cavalry into the woods as skirmishers, who soon reported that the party was about 200 strong, and retreating fast. I then pressed rapidly forward, and upon reaching Granby ascertained that they had just passed

through and that Price's whole army was doubtless at Newtonia, distance five miles. The advance soon reported that the enemy's train was in sight and but few men visible. I hurried forward at a gallop, and when within two miles of the town saw the rear of the rebel train entering the woods beyond town on the Cassville road. The battery was immediately planted on the bluffs and commenced throwing shell, while the 16th Kansas cavalry and 2nd Colorado cavalry were formed into two lines and ordered to charge down towards the enemy's train, the charge being led by the Major General commanding the 1st division, in person. We advanced at a rapid gallop with skirmishes in front until we came upon the main body of the enemy, who was formed three lines deep and the front line dismounted. The action was commenced in earnest, and for three hours with less than nine hundred men (my brigade consisting of less than six hundred), we contended with the enemy of ten times our number and closed the day by driving him from the field, leaving his dead and wounded in our hands. During the hottest of the engagement the enemy threw a large body of men upon our left, their fire telling fearfully upon our small force; but the left, commanded by Major Ketner (commanding 16th Kansas cavalry) never moved or flinched, but answered shot for shot. The brigade remained on the field until nine o'clock P. M., when it went into camp in the town of Newtonia."

"Major C. S. Charlot, my Ass't Adj't General, asked leave to keep with the advance on the 28th, and he thus briefly reports his observations and gallant participation in the battle:"—

"We crossed Spring River and reached Carthage, Mo. before daylight on the 28th, and halted the command for rest and feed three hours, when the column was again in motion. Riding forward, I reached the front at 11:30 at Diamond Grove, where the enemy, with their train was in plain sight. General Blunt came up immediately and ordered an advance. We had overtaken Major McKenny, bearer of a flag of truce, but the flag was ordered back, and Major McKenny, taking

his escort, advanced against the enemy as skirmishers. Col. Ford's brigade, Major Ketner of 16th Kansas cavalry, in the advance, went forward and messengers were sent to the rear by General Blunt to hurry forward the whole command. The enemy retreated rapidly out of sight, but at Newtonia the advance under Col. Ford came upon them again. General Blunt came up immediately (about 3 o'clock) and ordered a charge which was made by the 2nd Colorado and 16th Kansas, the General leading in person; McLain's battery opening on the enemy at the same time, supported by the 15th Kansas under Lieut. Col. Hoyt. This deployed their whole line, which now threatened to turn both our right and left flanks. Orders were sent back to McNeil, who was supposed to be in our immediate rear, and to Moonlight who had not yet come up, but both these commands had been halted to feed, and did not reach the ground in time to take part in the action. With the 2nd Colorado, 15th and 16th Kansas, all together less than 1000 men, we fought the whole of Shelby's division, and had succeeded in driving them in the centre of their line when General Sanborn unexpectedly arrived, and rapidly forming on the left, charged the enemy's right, and our victory was complete. Night coming on pursuit was impossible and the command returned to Newtonia, where the remainder of our column had already arrived and gone into camp."

Unfortunate Orders and Consequent Delay.

"Closing the day at Newtonia, the 28th October, with a complete repulse of the enemy, I gave orders for a renewal of the pursuit at three o'clock next morning. Price being hard pressed had paroled the prisoners whom I had sought to secure by Major McKenny's dispatches, and they, with the slightly wounded were sent back to the rear. I sent you the following dispatch:—

“NEWTONIA, Mo., October 28th, 8 o'clock P. M., 1864.

Major General Halleck, Chief of Staff:—

“We came up to the enemy at this place this evening and General Blunt in advance immediately engaged him. General Sanborn with his command soon joined the advance, and the rebels were again routed with heavy loss. They now run towards Cassville, where I shall continue after three hours rest.

“S. R. CURTIS, *Major General.*”

Everything now promised a complete success in view of our proximity to the enemy, his exhausted condition, and his disastrous defeat. He was still in a fruitful section of Missouri, but by pressing him another day or two he would have no time to collect supplies, and would reach the devastated, destitute region of Arkansas without provisions, and must surrender or starve. Meantime I had arranged for light rations to follow me from Fort Scott by night and day, fast drives, in wagons half loaded. The capture of Price's army in the Ozark or Boston mountains, which were between us and the Arkansas river, seemed to me inevitable. But as the troops were commencing the march on the morning of the 29th October, General McNeil in advance, I received the following dispatch:—

“FORT SCOTT, October 27th, 1864.

“*Major General Curtis, Commanding Dep't of Kansas:—*

“GENERAL:—Major General Rosecrans has just telegraphed me instructions from Warrensburg to send Generals Sanborn and McNeil to their respective districts at Springfield and Rolla, and to conduct the remaining brigades with the captured prisoners and property of this command to Warrensburg. I shall therefore start to-morrow morning to execute these orders.

“Very respectfully your ob't servant,

“A. PLEASANTON, *Major General.*”

Generals Sanborn and McNeil received corresponding orders by the same messenger, and immediately prepared to carry them out, leaving only the shattered remainder of General Blunt's division, less than a thousand strong, for me to dispose of. I was astonished and sorely disappointed. These orders evidently grew out of a misunderstanding of my ability to overtake the enemy, as I had done at Newtonia. I have since seen a telegraphic communication dated on the 26th or 27th October, sent by General Pleasanton from Fort Scott to General Rosecrans, representing our successes on the 25th as a complete destruction of Price's forces, and holding out the idea that pursuit beyond Fort Scott was needless. Whether before or after the date of General Pleasanton's assurance to me of hearty co-operation, these orders were in conflict with my hopes and expectations, arising from his letter to me of the 27th, and very unfortunate in view of the further pursuit ordered this very day (October 28th, but not yet received) by the Lieut. General. But there seemed no remedy in my reach. At Newtonia I was sixty or eighty miles from telegraphic communications, and could not get explanations to General Rosecrans in time to arrest the retiring of his forces, which General Sanborn informed me he would immediately commence. I telegraphed you some of my ill humor as follows:—

“NEWTONIA, October 29th, 1864.

“*Major General Halleck, Chief of Staff*:—

“After our victory last night, I started the troops at 3 o'clock this A. M. in further pursuit of Price, General McNeil in advance, when orders from General Rosecrans through General Pleasanton were received, taking General McNeil to Rolla and General Sanborn to Springfield, and otherwise disposing of all of their troops, including my prisoners, who have remained in the rear. I am left with only the fragment of my own regular volunteers, not exceeding one thousand, fit for duty, and deeming it improper to continue a pursuit in another department, suspended by its proper commander, I shall return by slow marches to my own department command.

“S. R. CURTIS, *Major General*.”

"NEOSHO, October 29th and 30th, 1864.

"Having telegraphed you at Newtonia, and provided as well as I could for the wounded Union and rebel soldiers that could not be brought away, I moved with my little remaining force to Neosho, a homeward movement of twelve miles. Believing our campaign concluded, we sought and secured comfortable lodgings and food, which we all much needed; but at midnight I was much and agreeably surprised by a messenger bringing your dispatches of the 28th, the most important of which was as follows:—

"WASHINGTON, October 28th, 1864.

"*Major General Curtis* : —

"Lieutenant General Grant desires that Price be pursued to the Arkansas river, or at least until he encounters General Steele or General Reynolds.

"H. W. HALLECK, *Chief of Staff*."

This dispatch clearly overruled General Rosecrans's order of the 27th, received by me at Newtonia twenty-two hours before, and justified my immediate exertions to re-call the troops of General Rosecrans to the pursuit. Calling up my officers I immediately directed orders, such as the following, to be sent instantan by couriers to each of the retiring brigades.

"HEAD-QUARTERS ARMY OF THE BORDER, }
"In the field, Neosho, Oct. 30, 1864. }

"Dispatches just received from Lieut. General Grant require me to continue the pursuit of Price to the Arkansas river.

"You will therefore proceed, forthwith, to Cassville, by the nearest and best route, reporting to me at that place.

"This countermands all orders received by you from Generals Rosecrans and Pleasanton, concerning a retrograde movement.

"Very respectfully your obedient servant,

"S. R. CURTIS, *Major General*."

These were sent to Brig. General Sanborn, Brig. General McNeil, Colonel Phillips, Lieut. Colonel Benteen.

I also telegraphed General Rosecrans, as follows:—

“HEAD-QUARTERS ARMY OF THE BORDER,
“In the field, Neosho, Oct. 30, 1 A. M., 1864. }

“*Major General Rosecrans*:—

“An order just received from Lieut. General Grant, directing the pursuit of Price to be continued to the Arkansas river, seems to conflict with your order directing the troops of General Pleasanton to their several districts, I have therefore, ordered your troops to resume the pursuit, supposing it will meet with your approbation as there are no other troops sufficient to carry out the purpose of the Lieut. General commanding.

“Since my militia have left me your portion of the command has been much the greatest, and I have expected your arrival to assume the responsibilities of the movement against Price.

“S. R. CURTIS, *Major General*.”

I also telegraphed you, as follows:—

“HEAD-QUARTERS ARMY OF THE BORDER,
“NEOSHO, Missouri, 1 o'clock A. M., Oct. 30, 1864. }

“*Major Gen. Hallock, Chief of Staff*, Washington, D. C.:—

“Your dispatch informing me of the wishes of Lieut. General Grant, to pursue Price to the Arkansas river is just received.

“I sent curiers with orders to this effect directed to the several brigade commanders of the troops of General Rosecrans, who had abandoned the pursuit by his orders. I will proceed with my own force towards Cassville, hoping to concentrate sufficient troops at that point to resume the pursuit.

“S. R. CURTIS, *Major General*.”

Before leaving Neosho, on the 30th, I also sent the following more extended report, which was dispatched by telegraph from Fort Scott, Nov. 1st. These dispatches are set out in this report to make me properly responsible for my share of the influences that led to the action of the Lieut. General and yourself:—

“HEAD-QUARTERS ARMY OF THE BORDER,
“NEOSHO, Missouri, Oct. 30, 1864. }

“Major Gen. Halleck, Washington, D. C: —

“I desire the Lieut. General to understand that, from the commencement of the effort in this campaign, I have had to occupy a debatable position as to my authority over troops, while a necessity pressed me forward.

“The militia cavil about going across state lines, and General Rosecrans’s commanders, except one or two, ever since we formed a junction, expressed a conviction that they had done enough, and urged, with much truth, their long march and general destitution as the reason for delay. I used arguments, expostulation, and orders, till we fought at Charlot, opposite Fort Scott. Here General Pleasanton, without consulting me, flanked off most of his force and insisted that further pursuit was needless. I did not know where General Rosecrans’s head-quarters were, for he had been shifting them fifty or sixty miles in the rear, and matters required immediate action. I therefore informed General Pleasanton that I assumed the responsibilities and must exercise the prerogatives of rank, and direct him to resume the pursuit.

“To this he yielded and ordered his brigade to join me. They were in full march when General Blunt overtook the enemy at Newtonia, and General Sanborn’s brigade came up in time to secure a victory, where we had only been able to hold our own for two hours, with considerable loss on both sides.

“The pursuit was resumed, when the order of General Rosecrans came, directing his troops to their several district locations, and they immediately commenced to carry out that order.

“This left only my department volunteers who had borne the brunt of the last battle, and were sadly reduced in numbers, not exceeding one thousand effective men. My militia had left me at Fort Scott, supposing, very reasonably, that the united regular volunteers were enough to pursue Price.

I saw no alternative and, with mortification, returned from the retreating foe.

"Both Generals, Rosecrans and Pleasanton, were a hundred miles in my rear, and it seemed impossible to correct this mistake. I am sure they would not have withdrawn their troops if they had been present, both supposing I could not again overtake Price.

"I had fallen back twelve miles, to this place, when I received your dispatch informing me that 'the Lieut. General desires that Price should be pursued to the Arkansas,' and I immediately issued orders announcing this to all the troops, directing them to return by the shortest lines to the pursuit.

"I still occupy a debatable position and have telegraphed General Rosecrans my desire that, as a large majority of the troops are his, he should come and assume command.

"The necessity of pushing Price's force beyond the Arkansas is so obvious I have not hesitated to disregard department lines, and act only in view of results which involve the safety of our little garrisons in front and the future peace of the inhabitants of Missouri, Kansas, and Arkansas. I was not well when I started, and have been eighteen days without changing my clothes, but I am now well and willing to do all in my power to execute the wishes of the Lieut. General, and only fear that conflicts, or doubts, in relation to orders may embarrass my movements.

"Price is now entering a mountainous country, very destitute of supplies, and his men are actually falling dead of starvation in his rear. They hang together under the impression that we kill all prisoners, a falsehood well calculated to retain his force intact. He still has three pieces of artillery, and his numbers are very great. He has destroyed most of his train and is very destitute, but all of his men being mounted, he continues to make rapid progress which can only be overcome by extraordinary efforts on the part of our troops.

"The delay occasioned by General Rosecrans's orders will be equivalent to thirty-six hours, but it is partially compen-

sated by a little rest and food, which we were unable to procure in this vicinity.

"I must say, in conclusion, that I desire to avoid all reproachful imputations against Generals Rosecrans and Pleasanton, who have acted, no doubt, upon their best judgment as things are seen at their stand point. I must award to General Pleasanton high commendations for his skill and gallantry in the field. I do not mean to depreciate others of whom I shall speak in my proper report, and who have not only been gallant in many fields, but are constantly willing to aid me, to the utmost of human endurance, to carry out what I consider a complete result of this campaign.

"I have the honor to be your obedient servant,

"S. R. CURTIS, *Major General.*"

The foregoing correspondence shows all the facts, in my possession, concerning the withdrawal of forces from the pursuit of Price. But for the presence of our united troops the people of south-west Missouri were overpowered and Price had everything, including the approaching elections, his own way, just as he had them 1861, when he controlled the state of Missouri in this same vicinity. Besides, there were the posts of Fayetteville, Fort Gibson, and Fort Smith below, near and on the Arkansas where we had a vast amount of public stores and several thousands of our comrades who were at the mercy of Price's starving, stealing hordes.

I had, as subsequently directed by you, sent a dispatch to General Thayer, Fort Smith, from Fort Scott, dated Oct. 26th, informing him that I was "trying to continue the pursuit till his force is entirely destroyed or beyond your post," and in every point of view it seemed necessary to press the enemy beyond these posts. Your dispatch of the 28th, informing me of the wishes of the Lieut. General, that the enemy should be pursued beyond the Arkansas, was singularly appreciative of all this; the only misfortune is, that it did not arrive twenty hours sooner.

An honest difference of opinion existed, as shown by a

dispatch sent by General Pleasanton to General Rosecrans, from Fort Scott on the 26th or 27th, and also, by a communication emanating from General Sanborn, which is as follows : —

“HEAD-QUARTERS DISTRICT SOUTH-WESTERN MO., }
“SPRINGFIELD, MO., Nov. 12th, 1864. }

“*Major General Pleasanton* : —

“I have just returned from Cassville and will forward my official report of the campaign, in a few days.

“No one has fired a shot at the enemy since the battle of Newtonia, where the enemy gained great advantage over Blunt at first, but my command got in in time to turn the enemy's right, and the tide of things.

“The enemy lost very largely in men and horses in Northern Arkansas and the border. My idea was, and is now, when we get him below Newtonia and the region of grain, mills, and cattle, we should not crowd him any more, but rather make an effort to hold him in this land of starvation as we would a garrison out of supplies, until his army broke up and divided. Deserters were very numerous while Price was in this section, but I have seen more since he was pushed off towards his supplies.

“My own view is, that all the efforts of General Curtis to drive the enemy,—and they have been great, and entitle him to credit,—have been to our detriment and the enemy's advantage, for I believe one-half of his army would have deserted north of the Arkansas, had it not been for fear of the pursuing foe, and the pursuit has been expensive; but the enemy has suffered badly and all should be satisfied I suppose.

“My dispatches from General Thayer indicate that the troops on the Arkansas will not attack Price.

“JOHN B. SANBORN, *Brig. General Commanding.*”

General Sanborn commanded the district about Fort Scott and Newtonia, where Price's forces were foraging and burning, and murdering; and if not driven out would also have returned on my department with his marauding bands of

guerrillas, bush whackers, and "deserters," which I desired to have as far from my lines as Texas.

Having now promulgated your order so as to bring the forces back to the pursuit, I immediately returned to New-tonia, and on the next day, Oct. 31st, I moved towards Cass-ville, as far as Gadfly, where I ascertained that Price had moved, with his main force, toward Pineville, and resumed his position on what is known as the state line road. I there-fore turned due south and camped near Keitsville, making short marches to allow my expected reinforcements to come up.

On the morning of Nov. 1st, Lieut. Colonel Benteen joined me at the ruins of Keitsville with his brigade, about one thou-sand eight hundred strong. This force was composed of por-tions of the 10th Missouri, 3d and 4th Iowa cavalry, and some Indiana cavalry, all veteran volunteers, many of whom had served with me in my campaign of 1862 through this same country, and shared in the glory of our struggles at Keitsville, Cross Timber, Sugar Creek, and Pea Ridge. This brigade was the best equipped, disciplined, and commanded force in the field, and I now had about three thousand men, with suf-ficient artillery also, so arranged by doubling teams as to move with the usual speed of cavalry forces. I moved for-ward and camped near Pea Ridge, Arkansas, where, as I telegraphed you, I expected McNeil would overtake me.

This force not arriving, I remained the 2d, during which period I received a reinforcement of fifty men from Cass-ville, forwarded by Major Melton, who commanded the post. I also ascertained that my couriers sent to Generals McNeil and Sanborn did not overtake them till they were near Springfield, and being near they had gone to get supplies, etc. Still I hoped they would overtake me, but determined to proceed and press the foe with my three thousand against their boasted thirty thousand. I sent prisoners, taken on the road, to General Rosecrans with the following note:—

“HEAD-QUARTERS ARMY OF THE BORDER, }
“In the field, camp near Pea Ridge, Ark., Nov. 2d, 1864, }

“*Major General Rosecrans* :—

“Understanding that you have ordered most of our prisoners to St. Louis, I send you those taken since. I have waited the return of some more of your troops for the pursuit of Price, but will proceed cautiously with what I have, hoping to deter the enemy from besieging and taking the posts in Western Arkansas, and to rid the country of Price’s desperate hordes.

“I have the honor to be, General, your obedient servant,
“S. R. CURTIS, *Major General*.”

After distributing a few rations that overtook us in a terrible storm of rain and snow, I moved forward on the 3d, camping at night near Cross Hollows. During the day Colonel Benteen received an order from General Rosecrans directing him to report to General Sanborn, at Cassville, transmitted through General Sanborn at Springfield, on the 2d.

This order was subsequently explained, as having been issued on the supposition that I was still at, or near, Cassville, and on the supposition that it was so issued, I ordered Lieut. Colonel Benteen to continue with me, reporting my conduct to General Rosecrans and to yourself. My report to you is as follows :—

“CROSS HOLLOWS, Nov. 3d, 1864.

“*Major General H. A. Hallck*, Washington, D. C. :—

“General Thayer, at Fort Scott, and Colonel Harrison, at Fayetteville, send me dispatches urging me forward to save them from Price. Three days unremitting rain and snow detain me, but I hope my advance will reach Fayetteville to-night. Price’s forces were yesterday on two sides of that place, but were not attacking our troops. General Rosecrans, at Jefferson City, yesterday, and General Sanborn, at Springfield, to-day, ordered Colonel Benteen’s brigade to report at Cassville. This is a material part of my force, and I cannot

believe these officers would again embarrass my operations were they acquainted with the circumstances. I hope, therefore, my order to Colonel Benteen will receive your approval and that of General Rosecrans.

"Your dispatch informing me that General Rosecrans is ordered to pursue Price to the Arkansas, does not, as I suppose, relieve me from concurrent duty implied by your former dispatch, expressing to me the desire of the Lieut. General.

"S. R. CURTIS, *Major General.*"

[TO BE CONTINUED.]

EDITORIAL NOTES.

—MR. C. CHILDS, of Dubuque, one of the most competent persons in the state for the task, proposes to write and publish a "History of Iowa Newspapers," and by his suggestions has set half the papers of Iowa to publishing their autobiographies. Mr. Childs is a pioneer newspaper man of Dubuque, and is constantly giving the readers of one or the other of the two excellent daily journals of his city valuable historical sketches, and has promised to furnish an occasional article for the ANNALS OF IOWA. His papers, "Names of Iowa Newspapers," and "Corrections of Indian History," the first of which was published in the Dubuque *Herald*, and the second in the *Times* of the same city, have been widely copied by the Iowa press, and would find a place in the ANNALS but for the pre-engagement of our pages for original contributions.

—MR. E. BOOTH, editor of the Anamosa *Eureka*, who writes better than he talks, and whom we gladly welcome as a collaborator, besides his "Reminiscences of Twenty-seven Years Ago," printed in the present number, is under verbal bonds to us to furnish a paper for our next on the preliminary steps taken to organize the "Iowa Institution for the Deaf and Dumb." It cannot fail of interest, since, aside from the curiosity that all benevolent readers will have to know the particulars of the inception of that noble and well administered state institution, it promises to treat coincidently of such illustrious personages as the late John C. Calhoun.

—"NOTES on the Early History of Pottawattamie County," the first part of which, published in the April ANNALS, was so well received, will be continued in the October number.

— WE have a short paper on "Old Soldiers," from a former contributor, F. Snyder, esq. (lately a resident of Iowa, but now living in Nodaway county, Missouri), which will appear in the next issue, but is crowded out of this.

— THE early settlers of Dubuque, at a late meeting, passed resolutions looking to the erection of a monument and the publication of memorial sketches of the lives of the late John King and William Carey Jones, the first editors, and Andrew Keesecker, the first compositor, of the *Dubuque Visitor*, which was the first newspaper published in Iowa, its initial number having been issued May 11th, 1836. At the same meeting a citizen of Dubuque offered to donate a suitable lot in Linwood Cemetery for the proposed monument.

— THE *Annual of the Iowa Agricultural College* for 1871 is a nice pamphlet of one hundred and twenty-five pages, well printed by Mills & Co., of Des Moines, and embellished with a good engraving of the main college building. The *Annual* contains the names of the professors, tutors, and officers of the college, and of the Board of Trustees, together with those of the two hundred and eighteen students, male and female, who were enrolled in its classes last year. It also gives a complete but concise history of the organization of the institution, the texts of the acts of congress making donations of lands for its support, the several laws of the general assembly of Iowa, touching its government or making appropriations of money to it, a complete exhibit of the funds received and how expended, and the full proceedings of its Board of Trustees, which look as if its managers were not ashamed of their doings, and is in direct and pleasing contrast with the dark-lantern ways of the regents of the State University, whose minutes never see the light of official publication. Any one who wants to know all about the Iowa Agricultural College, predestined to be the greatest educational institution of the state, for the reason that it was born of modern wants, and not modelled after the educational necessities of the middle ages, aims to promote and elevate the chiefest and best occupation of our people,— the tillage of the soil,—and does not attempt to impart knowledge which it has not and can not have the facilities for illustrating, should send to the secretary of the faculty, Charles E. Bessey, Ames, Story county, Iowa, for a copy of this pamphlet.

— WE have had it in mind for a long time to make a full and generous notice of that worthy and able educational periodical, the *Iowa School Journal*, but as the last number published has failed to reach our desk, we defer saying more at present than that the numbers we have examined give abundant evidence of hard work, watchful care, scholarship, and superior tact and talent on the part of its editorial managers, and that a practical Iowa school teacher has no more business to be without his *School Journal* than a minister in the pulpit would to be without his Bible.

THE STATE HISTORICAL SOCIETY OF IOWA.

This Society was instituted by the legislature of 1857. An appropriation of \$500 annually was made it in 1860, in furtherance of its objects.

A Library and Cabinet are rapidly accumulating, and the ANNALS OF IOWA is issued quarterly. To gather the rapidly wasting historical material of the state, the Curators of the Society solicit the following contributions:—

1. Old letters, journals, and manuscript statements of pioneer settlers, relative to the early history and settlement of the state, with sketches of prominent citizens of Iowa, either living or deceased, and acts relative to the Indian tribes, chiefs, and warriors; and also Indian implements, ornaments, and curiosities.

2. Newspapers, exchanges, or papers of old and curious print and date, pamphlets, magazines, catalogues of institutions of learning, minutes of ecclesiastical associations, conventions, conferences, and synods, with their origin and history.

3. Information respecting any ancient coins, or other curiosities, found in the state. Drawings and descriptions of any ancient mounds or fortifications, with articles found in them.

4. Indian geographical names, names of streams and localities in the state, and their signification.

5. Books of all kinds, and especially such as relate to American history, travels and biographies in general, and in the West in particular, family genealogies, maps, historical manuscripts, autographs of distinguished persons, coins, medals, paintings, portraits, statues and engravings.

6. We solicit from historical societies and other learned bodies, that interchange of books and other articles by which the usefulness of institutions of this nature is so much enhanced, pledging ourselves to repay such contributions to the full extent of our ability.

7. The Society particularly ask the favor of authors and publishers, to present, with autographs, copies of their respective works, for its library.

8. Editors and publishers of newspapers, magazines, and reviews, will confer a lasting favor on the Society by contributing their publications regularly for its library, or, at least, such numbers as may contain articles bearing upon Iowa history, biography, geography, or antiquities; all of which will be carefully preserved for binding.

9. Specimens of conchology, geology, mineralogy and natural history, relating to Iowa or other regions, are also desired.

We respectfully request that all, to whom this notice is addressed, will be disposed to give to our appeal a generous response. It is very desirable that donors should forward a specification of books or articles donated and sent to the Society.

We are making preparations for a Picture Gallery, and have already secured some valuable portraits from distinguished men. We have also many valuable articles for our cabinet of historical curiosities. The Board of Curators meets in the Society's rooms, on the first Wednesday evening of each month.

PROSPECTUS FOR 1871.

The Annals of Iowa.

This is a quarterly publication, and will contain not less than *three hundred and twenty* pages for the year 1871, with complete index at the end of the year, and title page for binding.

Its object is to collect and preserve, in a permanent form, facts connected with the early history of the state. Of the various classes of historical facts, it will be its special endeavor to publish:—

1st. Such as relate to transactions of its early days, which are liable to be soon lost by the passing away of the participants.

2d. Descriptive sketches of localities in the olden time, as their primal features are pictured upon the memory of observers.

3d. Biographical sketches of prominent citizens.

4th. The origin, growth, and development of the *institutions* of the state, with their bearing upon the various interests which have called them into existence.

5th. From time to time such of the hitherto unwritten history of the great war of modern times as relates to the valorous deeds of Iowa's soldiers, practicable for introduction, or which seems necessary to preserve it from passing from the knowledge of men.

6th. Reminiscences of early settlers of every character of facts pertaining to pioneer life.

To aid in the accomplishment of this purpose, contributions are requested of those who have in memory any portion of the early history of the state; and those having material for history, or authentic manuscripts, will confer a favor by forwarding them to the editor.

The price of the publication remains ONE DOLLAR a year, although it is now nearly double the original size when that price was fixed.

It is expected that subscribers will pay this moderate sum IN ADVANCE.

It was commenced in 1863. Back numbers may be obtained, except for the year 1864. That edition is exhausted. The numbers of 1863, bound in paper covers, may be had for \$2.00. Copies for 1865, -66, -67, -68, -69 and 1870 may be had for fifty cents per single copy.

The periodicals and newspapers sent us in exchange are placed on file in the Library Room of the Historical Society, bound as soon as volumes are completed, and will of themselves form a collection for reference such as is possessed by no other institution of the state, and furnish to the future a record of passing events of very great value. Hence editors of all the newspapers and periodicals published within the state are requested to place the ANNALS upon their exchange lists.

All communications and subscriptions may be addressed to

F. LLOYD, *Corresponding Secretary,*

Iowa City, Iowa.